

AIR FORCE ACT.

“AN ACT to provide for the DISCIPLINE and REGULATION of the AIR FORCE.”

Being the Army Act modified in accordance with the
provisions of the Air Force (Constitution) Bill.

N.B.—Additions and substitutions are indicated by
underlinings, omissions by asterisks.

Presented to Parliament by Command of His Majesty.



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Air Force Act.

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SCHEDULES.



An Act to provide for the Discipline and Regulation
of the Air Force.

* * * * *

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

Preliminary

1. This Act may be cited for all purposes as the Air Force Act. Short title of Act.

2. * * * * * Mode of bringing Act into force.

3. This Act is divided into five parts, relating to the following subject-matters; that is to say, Division of Act.

Part I.—Discipline ;

Part II.—Enlistment ;

Part III.—Billeting and impressment of carriages :

Part IV.—General provisions.:

Part V.—Application of this Act, saving provisions, and definitions.

PART I.

DISCIPLINE.

CRIMES AND PUNISHMENTS.

Offences in respect of Air Force Service.

Offences in respect of Air Force Service.

4. Every person subject to this Act who commits any of the following offences; that is to say, Offences in relation to the enemy punishable with death.

(1) Shamefully abandons or delivers up any garrison, place, post, or guard, or uses any means to compel or induce any governor, commanding officer, or other person

*Offences in
respect of
Air Force
Service.*

- shamefully to abandon or deliver up any garrison, place, post, or guard, which it was the duty of such governor, officer, or person to defend; or
- (2) Shamefully casts away his arms, ammunition, or tools in the presence of the enemy; or
 - (3) Treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy; or
 - (4) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner; or
 - (5) Having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy; or
 - (6) Knowingly does when on active service any act calculated to imperil the success of His Majesty's forces or any part thereof; or
 - (7) Misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice; or
 - (8) Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft; or
 - (9) Treacherously gives any false air signal or alters or interferes with any air signal; or
 - (10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fails to use his utmost exertions to carry such orders into effect;

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned.

*Offences in
relation to the
enemy not
punishable
with death.*

5. Every person subject to this Act who on active service commits any of the following offences; that is to say,

- (1) Without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear; or
- (2) Without orders from his superior officer wilfully destroys or damages any property; or
- (3) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner fails to rejoin His Majesty's service when able to rejoin the same; or
- (4) Without due authority either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy; or
- (5) By word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency; or
- (6) In action, or previously to going into action, uses words calculated to create alarm or despondency; or
- (7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft; or

- (8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect ;

*Offences in
respect of
Air Force
Service.*

shall, on conviction by court-martial, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

- 6.—(1) Every person subject to this Act who commits any of the following offences ; that is to say,
- (a) * * * * *
- (b) Without orders from his superior officer, leaves his guard, piquet, patrol, or post ; or
- (c) Forces a safeguard ; or
- (d) Forces or strikes * * * * a sentinel ; or
- (e) Impedes the provost marshal or any assistant provost marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost marshal, or, when called on, refuses to assist in the execution of his duty the provost marshal, assistant provost marshal, or any such officer, non-commissioned officer, or other person ; or
- (f) Does violence to any person bringing provisions or supplies to the forces ; or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving ; or
- (g) Breaks into any house or other place in search of plunder ; or
- (h) By discharging firearms * * * * making signals, using words, or by any means whatever, intentionally occasions false alarms * * * * ; or
- (i) Treacherously makes known the parole, watchword, or countersign to any person not entitled to receive it ; or treacherously gives a parole, watchword, or countersign different from what he received ; or
- (j) Irregularly detains or appropriates to his own corps, unit, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect ; or
- (k) Being an airman acting as sentinel, commits any of the following offences ; that is to say,
- (i) sleeps or is drunk on his post ; or
- (ii) leaves his post before he is regularly relieved ; or
- (l) Without due authority alters or interferes with any air-signal.

*Offences
punishable
more severely
on active ser-
vice than at
other times.*

*Misbehaviour
of sentinel.*

shall, on conviction by court-martial,

*Offences in
respect of
Air Force
Service.*

if he commits any such offence on active service, be liable to suffer death, or such less punishment as is in this Act mentioned; and

if he commits any such offence not on active service be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment, or such less punishment as is in this Act mentioned.

(2) Every person subject to this Act who commits any of the following offences; that is to say,

(a) By discharging firearms, * * * * making signals, using words, or by any means whatever, negligently occasions false alarms * * * *; or

(b) Makes known the parole, watchword, or countersign to any person not entitled to receive it; or, without good and sufficient cause, gives a parole, watchword, or countersign different from what he received,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Mutiny and
Insubordi-
nation.*

Mutiny and
sedition.

Mutiny and Insubordination.

7. Every person subject to this Act who commits any of the following offences; that is to say,

(1) Causes or conspires with any other persons to cause any mutiny or sedition in any of His Majesty's naval, military, or air forces; or

(2) Endeavours to seduce any person in any of His Majesty's naval, military, or air forces, from allegiance to His Majesty, or to persuade any person in any of His Majesty's naval, military, or air forces, to join in any mutiny or sedition; or

(3) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition in any of His Majesty's naval, military, or air forces; or

(4) Coming to the knowledge of any actual or intended mutiny or sedition in any of His Majesty's naval, military, or air forces, does not without delay inform his commanding officer of the same,

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned.

8.—(1) Every person subject to this Act who commits any of the following offences; that is to say,

*Mutiny and
Insubordi-
nation.*

Strikes or uses or offers any violence to his superior officer, being in the execution of his office,

*Striking or
threatening
superior
officer.*

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned; and

(2) Every person subject to this Act who commits any of the following offences; that is to say,

Strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer,

shall, on conviction by court-martial, if he commits such offence on active service, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

if he commits such offence not on active service, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

9.—(1) Every person subject to this Act who commits the following offence; that is to say,

*Disobedience
to superior
officer.*

Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise,

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned; and

(2) Every person subject to this Act who commits the following offence; that is to say,

Disobeys any lawful command given by his superior officer, shall, on conviction by court-martial, if he commits such offence on active service, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

if he commits such offence not on active service, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

10. Every person subject to this Act who commits any of the following offences; that is to say,

*Insubordina-
tion.*

(1) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or strikes or uses or offers violence to any such officer; or

*Mutiny and
Insubordi-
nation.*

- (2) Strikes or uses or offers violence to any person, whether subject to this Act or not, in whose custody he is placed, and whether he is or is not his superior officer; or
- (3) Resists an escort whose duty it is to apprehend him or to have him in charge; or
- (4) Being an airman, breaks out of barracks, camp, or quarters;

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Neglect to
obey garrison
or other
orders.

11. Every person subject to this Act who commits the following offence; that is to say,

neglects to obey any general local or other orders, shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Provided that the expression "general orders" in this section shall not include His Majesty's regulations and orders for the air force or any similar order in the nature of a regulation published for the general information and guidance of the air force.

Desertion, Fraudulent Enlistment, and Absence without Leave.

Desertion.

12.—(1) Every person subject to this Act who commits any of the following offences; that is to say,

- (a) Deserts or attempts to desert His Majesty's service; or
- (b) Persuades, endeavours to persuade, procures or attempts to procure, any person subject to this Act to desert from His Majesty's service,

shall, on conviction by court-martial—

if he committed such offence when on active service or under orders for active service, be liable to suffer death, or such less punishment as is in this Act mentioned; and

if he committed such offence under any other circumstances, be liable for the first offence to suffer imprisonment, or such less punishment as is in this Act mentioned; and for the second or any subsequent offence to suffer penal servitude, or such less punishment as is in this Act mentioned.

(2) Where an offender has fraudulently enlisted once or oftener, he may, for the purposes of trial for the offence of deserting or attempting to desert His Majesty's service, be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred as well as to the corps

or unit to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

(3) For the purposes of the liability under this section to the higher punishment for a second offence, a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section.

13.—(1) Every person subject to this Act who commits any of the following offences; that is to say, Desertion,
Fraudulent
Enlistment,
and Absence
without Leave.

Fraudulent
enlistment.

- (a) When belonging to the regular air force or to the auxiliary air force when embodied, without having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist or enrol, enlists or enrolls himself in the regular air force or in any air force raised in India or a colony; or
- (b) When belonging to the regular air force without having fulfilled the conditions enabling him to enlist, enrol, or enter, enrolls himself, or enlists in the air force reserve or the auxiliary air force, or any of the military forces, or enters the Royal Navy,

shall be deemed to have been guilty of fraudulent enlistment, and shall, on conviction by court-martial, be liable—

- (i) for the first offence to suffer imprisonment, or such less punishment as is in this Act mentioned; and
- (ii) for the second or any subsequent offence to suffer penal servitude, or such less punishment as is in this Act mentioned.

(2) Where an offender has fraudulently enlisted on several occasions he may, for the purposes of this section, be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred, as well as to the corps or unit to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

(3) Where an offender is convicted of the offence of fraudulent enlistment, then for the purposes of his liability under this section to the higher punishment for a second

*Desertion,
Fraudulent
Enlistment,
and Absence
without Leave.*

offence, the offence of deserting or attempting to desert His Majesty's service may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception, that the absence of the offender next before any fraudulent enlistment shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of deserting or attempting to desert.

Persuasion of
or connivance
at desertion.

14. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) Assists any person subject to this Act to desert His Majesty's service; or
- (2) Being cognizant of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Absence from
duty without
leave.

15. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) Absents himself without leave; or
- (2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits his duty or duties; or
- (3) Being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local, or other order, without a pass or written leave from his commanding officer; or
- (4) Being an airman without leave from his commanding officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Disgraceful
Conduct.*

Scandalous
conduct of
officer.

Disgraceful Conduct.

16. Every officer who, being subject to this Act, commits the following offence; that is to say,

behaves in a scandalous manner, unbecoming the character of an officer and a gentleman,

shall, on conviction by court-martial, be cashiered.

17. Every person subject to this Act who commits any of the following offences; that is to say, *Disgraceful Conduct.*

Being charged with or concerned in the care or distribution of any public or service money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods, *Fraud by persons in charge of moneys or goods.*

shall, on conviction by court-martial, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

18. Every airman who commits any of the following offences; that is to say, *Disgraceful conduct of airman.*

(1) Malingers, or feigns or produces disease or infirmity; or

(2) Wilfully maims or injures himself or any other airman, whether at the instance of such other airman or not, with intent thereby to render himself or such other airman unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or

(3) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure; or

(4) Steals, or embezzles, or receives, knowing them to be stolen or embezzled, any money or goods the property of a comrade or of an officer, or any money or goods belonging to any service mess or band, or to any service institution, or any public money or goods; or

(5) Is guilty of any other offence of a fraudulent nature not before in this Act particularly specified, or of any other disgraceful conduct of a cruel, indecent or unnatural kind,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Drunkenness.

Drunkenness.

19. Every person subject to this Act who commits the following offence; that is to say, *Drunkenness.*

The offence of drunkenness, whether on duty or not on duty,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned, and, either in addition to or in substitution for any other punishment, to pay a fine not exceeding one pound.

*Offences in
relation to
Prisoners.*

Offences in relation to Prisoners.

Permitting
escape of pri-
soner.

20. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) When in command of a guard, piquet, patrol, or post, releases without proper authority, whether wilfully or otherwise, any person committed to his charge; or
- (2) Wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned.

Irregular im-
prisonment.

21. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) Unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or
- (2) Having committed a person to the custody of any officer, non-commissioned officer, provost marshal, or assistant provost marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter to the officer, non-commissioned officer, provost marshal, or assistant provost marshal, into whose custody the person is committed, an account in writing signed by himself of the offence with which the person so committed is charged;
- (3) Being in command of a guard, does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him; and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account above in this section mentioned, by that account,

shall, on conviction by court-martial, be liable, if an officer to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Escape from
confinement.

22. Every person subject to this Act who commits the following offence; that is to say,

- Being in arrest or confinement, or in prison or otherwise in lawful custody, escapes, or attempts to escape,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Offences in relation to Prisoners.

Offences in relation to Property.

23. Every person subject to this Act who commits any of the following offences; that is to say,

Offences in relation to Property.

Corrupt dealings in respect of supplies to forces.

- (1) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or
- (2) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of His Majesty's forces,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

24. Every airman who commits any of the following offences; that is to say,

Deficiency in and injury to equipment.

- (1) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever), his arms, ammunition, equipments, instruments, clothing, service necessities, or any horse of which he has charge; or
- (2) Loses by neglect anything before in this section mentioned; or
- (3) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever) any air-force, naval or military decoration granted to him; or
- (4) Wilfully injures anything before in this section mentioned, or any property belonging to a comrade, or to an officer, or to any service mess or band, or to any service institution, or any public property; or
- (5) Ill-treats any horse used in the public service,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

For the purposes of this section, the expression "equipments" includes any article issued to an airman for his use, or entrusted to his care for air-force purposes.

Offences in relation to False Documents and Statements.

25. Every person subject to this Act who commits any of the following offences; that is to say,

Offences in relation to False Documents and Statements.

- (1) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by

Falsifying official documents and

*Offences in
relation to
Property.
false decla-
rations.*

him, or of the contents of which it is his duty to ascertain the accuracy—

- (a) Knowingly makes or is privy to the making of any false or fraudulent statement; or
- (b) Knowingly makes or is privy to the making of any omission with intent to defraud; or
- (2) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce; or
- (3) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration,

shall, on conviction by court-martial, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

*Neglect to
report, and
signing in
blank.*

26. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) When signing any document relating to pay, arms, ammunition, equipments, clothing, service necessities, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher; or
 - (2) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,
- shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*False accusa-
tion, or false
statement by
airman.*

27. Every person subject to this Act who commits any of the following offences; that is to say,

- (1) Being an officer or airman, makes a false accusation against any other officer or airman, knowing such accusation to be false; or
- (2) Being an officer or airman, in making a complaint where he thinks himself wronged, knowingly makes any false statement affecting the character of an officer or airman, or knowingly and wilfully suppresses any material facts; or
- (3) Being an airman, falsely states to his commanding officer that he has been guilty of desertion or of fraudulent enlistment, or of desertion from the Army or Navy, or has served in and been discharged from any portion of the regular reserve or auxiliary Air Force, or the Army or Navy; or
- (4) Being an airman, makes a wilfully false statement to any air-force officer or justice in respect of the prolongation of furlough,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Courts-martial.**Offences in relation to Courts-martial.*

28. Every person subject to this Act who commits any of the following offences; that is to say,

Offences in relation to courts-martial.

- (1) Being duly summoned or ordered to attend as a witness before a court-martial, makes default in attending; or
- (2) Refuses to take an oath or make a solemn declaration legally required by a court-martial to be taken or made; or
- (3) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or
- (4) Refuses when a witness to answer any question to which a court-martial may legally require an answer; or
- (5) Is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court,

shall, on conviction by a court-martial, other than the court in relation to or before whom the offence was committed, be liable if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Provided that where a person subject to this Act is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court, that court if they think it expedient, instead of the offender being tried by another court-martial, may by order under the hand of the president, order the offender to be imprisoned, with or without hard labour, or, in the case of an airman, to undergo detention, for a period not exceeding twenty-one days.

29. Every person subject to this Act who commits the following offence; that is to say,

False evidence.

When examined on oath or solemn declaration before a court-martial or any court or officer authorised by this Act to administer an oath, wilfully gives false evidence, shall be liable, on conviction by court-martial, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Billeting.**Offences in relation to Billeting.*

30. Every person subject to this Act who commits any of the following offences (in this Act referred to as offences in relation to billeting); that it so say,

Offences in relation to billeting.

- (1) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person or horse is billeted; or

*Offences in
relation to
Billeting.*

- (2) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or airman under his command, to cause compensation to be made for the same; or
- (3) Fails to comply with the provisions of this Act with respect to the payment of the just demands of the person on whom he or any officer or airman under his command or his or their horses have been billeted, or to the making up and transmitting of an account of the money due to such person; or
- (4) Wilfully demands billets which are not actually required for some person or horse entitled to be billeted; or
- (5) Takes or knowingly suffers to be taken from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of officers, airmen, or horses, or any part of such liability; or
- (6) Uses or offers any menace to or compulsion on a constable or other civil officer to make him give billets contrary to this Act, or tending to deter or discourage him from performing any part of his duty under the provisions of this Act relating to billeting, or tending to induce him to do anything contrary to his said duty; or
- (7) Uses or offers any menace to or compulsion on any person tending to oblige him to receive, without his consent, any person or horse not duly billeted upon him in pursuance of the provisions of this Act relating to billeting, or to furnish any accommodation which he is not thereby required to furnish,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment, as is in this Act mentioned.

*Offences in
relation to
Impressment
of Carriages,
&c.*

Offences in
relation to
the impress-
ment of car-
riages, &c.
and their
attendants.

Offences in relation to Impressment of Carriages, &c.

31. Every person subject to this Act who commits any of the following offences (in this Act referred to as offences in relation to the impressment of carriages); that is to say,

- (1) Wilfully demands any carriages, animals, vessels, aircraft, food, forage, or stores which are not actually required for the purposes authorised by this Act; or
- (2) Fails to comply with the provisions of this Act relating to the impressment of carriages as regards the payment of sums due for carriages or as regards the weighing of the load; or

- (3) Constrains any carriage, animal, or vessel furnished in pursuance of the provisions of this Act relating to the impressment of carriages to travel against the will of the person in charge thereof beyond the proper distance, or to carry against the will of such person any greater weight than he is required by the said provisions to carry; or
- (4) Does not discharge as speedily as practicable any carriage, animal, vessel, or aircraft furnished in pursuance of the provisions of this Act relating to the impressment of carriages; or
- (5) Compels the person in charge of any such carriage, animal, vessel, or aircraft, or permits him to be compelled, to take thereon any baggage or stores not entitled to be carried, or, except where the carriage or animal is furnished upon a requisition of emergency, to take thereon any airman or servant (except such as are sick), or any woman or person; or
- (6) Ill-treats or permits such person in charge to be ill-treated; or
- (7) Uses or offers any menace to or compulsion on a constable to make him provide any carriage, animal, vessel, aircraft, food, forage, or stores which he is not bound in pursuance of the provisions of this Act relating to the impressment of carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, vessels, aircraft, food, forage, or stores, or tending to induce him to do anything contrary to his said duty; or
- (8) Forces any carriage, animal, vessel, aircraft, food, forage, or stores from the owner thereof,

Offences in relation to: Impressment of Carriages, &c.

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Offences in relation to Enlistment.

Offences in relation to Enlistment.

32.—(1) Every person having become subject to this Act, who is discovered to have committed the following offence; that is to say,

Having been discharged with disgrace from any part of His Majesty's air or military forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the regular air-force without declaring the circumstances of his discharge, or dismissal,

Enlistment of airman, soldier or sailor discharged with ignominy or disgrace.

Offences in relation to Enlistment.

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

(2) For the purpose of this section, the expression “discharged with disgrace from any part of His Majesty’s air or military forces” means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct, or discharged on account of conviction for felony or of a sentence of penal servitude.

False answers or declarations on enlistment.

33. Every person having become subject to this Act who is discovered to have committed the following offence; that is to say,

To have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

General offences in relation to enlistment.

34. Every person subject to this Act who commits any of the following offences; that is to say,

(1) Is concerned in the enlistment for service in the regular air force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act; or

(2) Wilfully contravenes any enactments or the regulations of the service in any matter relating to the enlistment or attestation of airmen of the regular air force,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Miscellaneous Offences.**Traitorous words.**Miscellaneous Offences.*

35. Every person subject to this Act who commits the following offence; that is to say,

Uses traitorous or disloyal words regarding the Sovereign, shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment or such less punishment as is in this Act mentioned.

Injurious disclosures.

36. Every person subject to this Act who commits the following offence; that is to say,

Whether serving with any of His Majesty’s forces or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or

any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as in the opinion of the court to have produced effects injurious to His Majesty's service,

*Miscellaneous
Offences.*

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

37. Every officer or non-commissioned officer who commits any of the following offences; that is to say,

*Ill-treating
airman.*

- (1) Strikes or otherwise ill-treats any airman; or
- (2) Having received the pay of any officer or airman, unlawfully detains or unlawfully refuses to pay the same when due,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a non-commissioned officer, to suffer imprisonment or such less punishment as is in this Act mentioned.

38. Every person subject to this Act who commits any of the following offences; that is to say,

*Duelling and
attempting to
commit
suicide.*

- (1) Fights, or promotes, or is concerned in or connives at fighting a duel; or
- (2) Attempts to commit suicide,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

39. Every person subject to this Act who commits any of the following offences; that is to say,

*Refusal to
deliver to civil
power officers
and airmen
accused of
civil offences.*

On application being made to him neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or airman accused of an offence punishable by a civil court,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Special Offences in relation to Aircraft, &c.

39A. Any person subject to this Act who commits any of the following offences; that is to say—

*Special
Offences in
relation to
Aircraft, &c.*

- (a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His Majesty's aircraft or aircraft material; or

*Damage to
aircraft, &c.*

*Special
Offences in
relation to
Aircraft, &c.*

- (b) is guilty of any neglect likely to cause such damage, destruction, or loss; or
- (c) by neglect (whether wilful or otherwise) causes damage to or destruction of any public property by fire; or
- (d) without lawful authority disposes of any of His Majesty's aircraft or aircraft material; or
- (e) wilfully or by wilful neglect or negligently causes any danger in flying to the life of any officer or man of the air force or;
- (f) during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft,

shall, on conviction by court-martial, be liable, if he has acted wilfully or with wilful neglect, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned.

*Conduct to
prejudice of
Discipline.*

Conduct to
prejudice of
air-force
discipline.

Conduct to prejudice of Discipline.

40. Every person subject to this Act who commits any of the following offences; that is to say,

Is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and air-force discipline,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned. Provided that no person shall be charged under this section in respect of any offence for which special provision is made in any other part of this Act, and which is not a civil offence; nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this proviso, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction.

*Offences
punishable by
ordinary Law.*

Offences
punishable by
ordinary law
of England.

Offences punishable by ordinary Law.

41. Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned, every person who, whilst he is subject to this Act, shall commit any of the offences in this section

*Offences
punishable by
ordinary Law.*

mentioned shall be deemed to be guilty of an offence against this Act, and if charged under this section with any such offence (in this Act referred to as a civil offence) shall be liable to be tried by court-martial, and on conviction to be punished as follows; that is to say,

- (1) If he is convicted of treason, be liable to suffer death, or such less punishment as is in this Act mentioned; and
- (2) If he is convicted of murder, be liable to suffer death; and
- (3) If he is convicted of manslaughter or treason-felony, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and
- (4) If he is convicted of rape, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and
- (5) If he is convicted of any offence not before in this section particularly specified, which when committed in England is punishable by the law of England, be liable, whether the offence is committed in England or elsewhere, either to suffer such punishment as might be awarded to him in pursuance of this Act in respect of an act to the prejudice of good order and air-force discipline, or to suffer any punishment assigned for such offence by the law of England.

Provided as follows :—

- (a) A person subject to this Act shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in the United Kingdom, and shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in any place within His Majesty's dominions, other than the United Kingdom and Gibraltar, unless such person at the time he committed the offence was on active service, or such place is more than one hundred miles as measured in a straight line from any city or town in which the offender can be tried for such offence by a competent civil court;
- (b) A person subject to this Act when in His Majesty's dominions may be tried by any competent civil court for any offence for which he would be triable if he were not subject to this Act.

*Redress of Wrongs.**Redress of Wrongs.*

Mode of complaint by officer.

42. If an officer thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain to the Air Council in order to obtain justice, who are hereby required to examine into such complaint, and through a Secretary of State make their report to His Majesty in order to receive the directions of His Majesty thereon.

Mode of complaint by airman.

43. If any airman thinks himself wronged in any matter by any officer other than his captain, or by any airman, he may complain thereof to his captain, and if he thinks himself wronged by his captain, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed general officer * * * * and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

*Punishments.**Punishments.*

Scale of punishments by courts-martial.

44. Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial,—

In the case of officers, according to the scale following :

- (a) Death ;
- (b) Penal servitude for a term not less than three years ;
- (c) Imprisonment, with or without hard labour, for a term not exceeding two years ;
- (d) Cashiering ;
- (e) Dismissal from His Majesty's service ;
- (f) Forfeiture in the prescribed manner of seniority of rank, either in the air-force or in the corps or unit to which the offender belongs, or in both ;
- (g) Reprimand, or severe reprimand ;

In the case of airmen, according to the scale following :

- (h) Death ;
- (j) Penal servitude for a term not less than three years ;
- (k) Imprisonment, with or without hard labour, for a term not exceeding two years ;
- (kk) Detention for a term not exceeding two years ;
- (l) Discharge with ignominy from His Majesty's service ;

- (m) In the case of a non-commissioned officer, forfeiture, in the prescribed manner, of seniority of rank, or reduction to a lower grade, or to the ranks; *Punishments.*

(n) Forfeitures, fines, and stoppages.

Provided that—

- (1) Where in respect of any offence under this Act there is specified a particular punishment, or such less punishment as is in this Act mentioned, there may be awarded in respect of that offence, instead of such particular punishment (but subject to the other regulations of this Act as to punishments, and regard being had to the nature and degree of the offence) any one punishment lower in the above scales than the particular punishment :
- (1A) For the purposes of commutation and revision of punishment, detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment :
- (2) An officer shall be sentenced to be cashiered before he is sentenced to penal servitude or imprisonment :
- (3) An officer when sentenced to forfeiture of seniority of rank may also be sentenced to reprimand or severe reprimand :
- (4) An airman when sentenced to penal servitude or imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service :
- (5) Where an airman on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence such field punishment, other than flogging, as may be directed by rules to be made from time to time by a Secretary of State, and such field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb :
- (6) In addition to or without any other punishment, in respect of an offence committed by an airman on active service, it shall be lawful for a court-martial to order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding three months :
- (9) All rules with respect to field punishment made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament :
- (10) For the purpose of commutation of punishment the field punishment above mentioned shall be deemed

Punishments.

to stand in the scale of punishments next below detention :

- (11) In addition to or without any other punishment in respect of any offence, an offender convicted by court-martial may be subject to forfeiture of any deferred pay, service towards pension, air-force decoration or air-force reward, in such manner as may for the time being be provided by Royal Warrant, but shall not, save as may be provided by Royal Warrant, be liable to any forfeiture under the Regimental Debts Act, 1893, as applied to the air force, or under any Act relating to the military savings banks as so applied or any regulations made in pursuance of either of the above-mentioned Acts as so applied :
- (12) In addition to or without any other punishment in respect of any offence, an offender may be sentenced by court-martial to any deduction authorised by this Act to be made from his ordinary pay :
- (13) No officer or non-commissioned officer shall, under or by virtue of any power or authority derived from any foreign potentate or ruler, inflict or cause to be inflicted on any person subject to this Act, for or in respect of any offence against this Act any punishment not authorised by this Act.

56 & 57 Vict.
c. 5.

ARREST AND TRIAL.

*Arrest.**Arrest.*

Custody of
persons
charged with
offences.

45. The following regulations shall be enacted with respect to persons subject to this Act when charged with offences punishable under this Act :—

- (1) Every person subject to this Act when so charged may be taken into air-force custody : Provided, that in every case where any officer or airman not on active service remains in such air-force custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed ; and a similar report shall be forwarded every eight days until a court-martial is assembled or the officer or airman is released from custody :
- (2) Air-force custody means * * * * the putting the offender under arrest or the putting him in confinement and includes naval and military custody :
- (3) An officer may order into air-force custody an officer of inferior rank or any airman, and any non-commissioned officer may order into air-force custody any airman,

and an officer may order into air-force custody any officer (though he be of higher rank) engaged in a quarrel, fray, or disorder; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service :

Arrest.

(4) An officer or non-commissioned officer commanding a guard, or a provost marshal or assistant provost marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal, or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost marshal, or assistant provost marshal into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged :

(5) The charge made against every person taken into air-force custody shall without unnecessary delay be investigated by the proper air-force authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such persons shall be discharged from custody.

Power of Commanding Officer.

*Power of
Commanding
Officer.*

46.—(1) The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Act under his command of having committed an offence under this Act, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to court-martial, or in the case of an airman may deal with the case summarily.

Power of
commanding
officer.

(2) Where he deals with a case summarily, he may—

(a) Award to the offender detention for any period not exceeding twenty-eight days; and

(b) In the case of the offence of drunkenness, may order the offender to pay a fine not exceeding ten shillings, either in addition to or without detention; and

(c) In addition to or without any other punishment may order the offender to suffer any deduction from his ordinary pay authorised by this Act to be made by the commanding officer; and

*Power of
Commanding
Officer.*

- (d) In the case of an offence by an airman (not being a non-commissioned officer) on active service, may award to the offender field punishment within the meaning of section forty-four of this Act for any period not exceeding twenty-eight days, and may in addition to, or without any other punishment, order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days.
- (3) Where the charge is against an airman for drunkenness the commanding officer shall deal with the case summarily unless the offence was committed on active service or on duty, or after the offender was warned for duty, or unless by reason of the drunkenness the offender was found unfit for duty, or unless the airman has been guilty of drunkenness on not less than four occasions in the preceding twelve months; but nothing in this subsection shall affect the jurisdiction of any court-martial or the right of the airman to be tried by a district court-martial.
- (5) Provided that where detention is awarded for absence without leave the commanding officer shall have regard to the number of days during which the offender has been absent, and in no case shall the term of detention awarded, if exceeding seven days, exceed the term of absence.
- (6) Provided that in every case where the commanding officer has power to deal with the case summarily, the accused person may demand that the evidence against him should be taken on oath, and the same oath or solemn declaration as that required to be taken by witnesses before a court-martial shall be administered to each witness in such case.
- (7) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court-martial.
- (8) Where a commanding officer has power to deal with a case summarily under this section, and, after hearing the evidence, considers that he may so deal with the case, he shall, in every case where the award or finding involves a forfeiture of pay, and in every other case, unless he awards one of the minor punishments referred to in this section, ask the airman charged whether he desires to be dealt with summarily or to be tried by a district court-martial and if the airman elects to be tried by a district court-martial the commanding officer shall take steps for bringing him to trial by a district court-

martial, but otherwise shall proceed to deal with the case summarily.

*Power of
Commanding
Officer.*

(9) Nothing in this section shall prejudice the power of a commanding officer to award such minor punishments as he is for the time being authorised to award, so, however, that a minor punishment shall not be awarded for any offence for which detention exceeding seven days is awarded.

Courts-martial.

*Courts-
martial.*

47. * * * *

*Regimental
courts-
martial.
General and
district
courts-
martial.*

48. The following rules are enacted with respect to general courts-martial and district courts-martial :—

- (1) A general court-martial shall be convened by His Majesty or some officer deriving authority to convene a general court-martial immediately or mediately from His Majesty :
- (2) A district court-martial shall be convened by an officer authorised to convene general courts-martial, or some officer deriving authority to convene a district court-martial from an officer authorised to convene general courts-martial :
- (3) A general court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar of not less than seven and elsewhere of not less than five officers, each of whom must have held a commission during not less than three whole years, and of whom not less than five must be of a rank not below that of captain :
- (4) A district court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than two whole years :
- (5) The minimum number mentioned in this section for a general or a district court-martial shall be the legal minimum for that court-martial :
- (6) A district court-martial shall not try a person subject to this Act as an officer, nor award the punishment of death or penal servitude ; but, subject as aforesaid, any offence under this Act committed by a person subject to this Act, and triable by court-martial, may be tried and punished by either a general or district court-martial :
- (7) An officer under the rank of captain shall not be a member of a court-martial for the trial of a field officer :
- (8) Sentence of death shall not be passed on any prisoner without the concurrence of two-thirds at the least of the officers serving on the court-martial by which he is tried :

Courts-martial.

(9) The president of a court-martial, whether general or district, shall be appointed by order of the authority convening the court, but he shall not be under the rank of field officer, unless the officer convening the court is under that rank, or unless in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a field officer is not, with due regard to the public service, available, in either of which cases an officer not below the rank of captain may be the president of such court-martial, and he shall not be under the rank of captain, except in the case of a district court-martial, where in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a captain is not, having due regard to the public service, available.

(10) If it becomes necessary to convene a court-martial under this Act at any place where in the opinion of the convening officer the necessary number of officers of the air force is not available to form such a court, or where in his opinion such a necessary number could not be made available without serious injury to the interests of the service (such opinion to be expressed in the order convening the court, and to be conclusive), then the said convening officer may, with the consent of the proper naval or military authority, nominate any naval or military officer to preside over the court, or nominate as members of the court any necessary number of naval or military officers in addition to or in lieu of officers of the air force: Provided that no naval or military officer shall be qualified to perform any function in relation to such court-martial unless he is of equal seniority and equivalent rank to that which would have been required by the provisions of this Act if he had been an officer of the air force.

Field general
courts-
martial.

49.—(1) Where a complaint is made to any officer in command of any detachment or portion of the air force in any country beyond the seas, or to the commanding officer of any corps or portion of a corps on active service, or to any officer in immediate command of a body of the air force on active service, that an offence has been committed by any person subject to this Act,

then, if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court-martial, it shall be lawful for him, although not authorised

to convene general courts-martial, to convene a court-martial, in this Act referred to as a field general court-martial, for the trial of the person charged with such offence, provided as follows :—

- (a) An officer in command of a detachment or portion of the air force not on active service shall not convene a field general court-martial for the trial of any person, unless that person is under his command, nor unless the offence with which the person is charged is an offence against the property or person of an inhabitant of, or resident in, the country in which the offence is alleged to have been committed :
- (b) A field general court-martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available having due regard to the public service, in which case the court-martial may consist of two officers :
- (c) The convening officer may preside, but he shall, whenever he deems it practicable, appoint another officer as president, who may be of any rank, but shall, if practicable in the opinion of the convening officer, be not below the rank of captain.
- (d) Where a field general court-martial consists of less than three officers, the sentence shall not exceed such field punishment as is allowed by this Act, or imprisonment.

(2) Section forty-eight of this Act, except subsection (10) thereof, shall not apply to a field general court-martial, but sentence of death shall not be passed on any prisoner by a field general court-martial without the concurrence of all the members.

(3) A field general court-martial may, notwithstanding the restrictions enacted by this Act in respect of the trial by court-martial of civil offences within the meaning of this Act, try any person subject to this Act who is under the command of the convening officer, and is charged with any such offence as is mentioned in this section, and may award for such offence any sentence which a general court-martial is competent to award for such offence. Provided always, that no sentence of any such court-martial shall be executed until confirmed as provided by this Act.

50.—(1) The officers sitting on a court-martial may belong to the same or different corps or units, or may be unattached to any corps or unit, and may try persons belonging or attached to any corps or unit.

Courts-
martial in
general.

(2) The officer who convened a court-martial shall not, save as is otherwise expressly provided by this Act, sit on that court-martial.

Court-martial.

(3) Any of the following persons, that is to say, a prosecutor or witness for the prosecution of any accused, or the commanding officer of the accused within the meaning of the provisions of this Act which relate to dealing with a case summarily, or the officer who investigated the charges on which an accused is arraigned, shall not, save in the case of a field general court-martial, sit on the court-martial for the trial of such accused, nor shall he act as judge advocate at such court-martial.

Challenges by
prisoner.

51.—(1) An accused about to be tried by any court-martial may object, for any reasonable cause, to any member of the court, including the president, whether appointed to serve thereon originally or to fill a vacancy caused by the retirement of an officer objected to, so that the court may be constituted of officers to whom the accused makes no reasonable objection.

(2) Every objection made by an accused to any officers shall be submitted to the other officers appointed to form the court.

(3) If the objection is to the president, such objection, if allowed by one third or more of the other officers appointed to form the court, shall be allowed, and the court shall adjourn for the purpose of the appointment of another president.

(4) If an objection to the president is allowed, the authority convening the court shall appoint another president, subject to the same right of the accused to object.

(5) If the objection is to a member other than the president and is allowed by one half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(6) In order to enable an accused to avail himself of his privilege of objecting to any officer, the names of the officers appointed to form the court shall be read over in the hearing of the accused on their first assembling, and before they are sworn, and he shall be asked whether he objects to any of such officers, and a like question shall be repeated in respect of any officer appointed to serve in lieu of a retiring officer.

Administra-
tion of oaths.

52.—(1) An oath shall be administered by the prescribed person to every member of every court-martial before the commencement of the trial in the following form; that is to say,
 ‘ You do swear that you will well
 ‘ and truly try the accused [or accused persons] before the court
 ‘ according to the evidence, and that you will duly administer
 ‘ justice according to the Air Force Act now in force, without

‘ partiality, favour, or affection, and you do further swear that
 ‘ you will not divulge the sentence of the court until it is duly
 ‘ confirmed, and you do further swear that you will not on
 ‘ any account at any time whatsoever disclose or discover the
 ‘ vote or opinion of any particular member of this court-
 ‘ martial, unless thereunto required in due course of law. So
 ‘ help you GOD.’

(2) An oath in the prescribed form or forms shall be administered by the prescribed person to the judge advocate or person officiating as judge advocate (if any), and also to every officer in attendance on a court-martial for the purpose of instruction (if any), and also to every shorthand writer (if any) in attendance on the court-martial.

(3) Every witness before a court-martial shall be examined on oath, which the president or other prescribed person shall administer in the prescribed form.

(4) If a person by this Act required either as a member of, or person in attendance on, or witness before, a court-martial, or otherwise in respect of a court-martial, to take an oath, objects to take an oath, or is objected to as incompetent to take an oath, the court, if satisfied of the sincerity of the objection, or, where the competence of the person to take an oath is objected to, of the oath having no binding effect on the conscience of such person, shall permit such person instead of being sworn to make a solemn declaration in the prescribed form, and for the purposes of this Act such solemn declaration shall be deemed to be an oath.

53.—(1) If a court-martial after the commencement of the trial is, by death or otherwise, reduced below the legal minimum, it shall be dissolved. Procedure.

(2) If after the commencement of the trial the president dies or is otherwise unable to attend, and the court is not reduced below the legal minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly; but if he is not of sufficient rank the court shall be dissolved.

(3) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(4) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried again.

(5) The president of any court-martial may, on any deliberation amongst the members, cause the court to be cleared of all other persons.

(6) The court may adjourn from time to time.

(7) The court may also, where necessary, view any place.

Courts-martial.

(8) In the case of an equality of votes on the finding the accused shall be deemed to be acquitted. In the case of an equality of votes on the sentence, or any question arising after the commencement of the trial except the finding, the president shall have a second or casting vote.

(9) When a court-martial recommend a person under sentence to mercy, such recommendation shall be attached to and form part of the proceedings of the court, and shall be promulgated and communicated to the person under sentence, together with the finding and sentence.

Confirmation,
revision and
approval of
sentences.

54.—(1) The following authorities shall have power to confirm the findings and sentences of courts-martial; that is to say,

(a) * * * *

(b) In the case of a general court-martial, His Majesty, or some officer deriving authority to confirm the findings and sentences of general courts-martial immediately or mediately from His Majesty :

(c) In the case of a district court-martial, an officer authorised to convene general courts-martial, or some officer deriving authority to confirm the findings and sentences of district courts-martial from an officer authorised to convene general courts-martial :

(d) In the case of a field general court-martial, an officer authorised to confirm the findings and sentences of general courts-martial for the trial of offences in the force of which the detachment or portion of the air-force under the command of the convening officer forms part, or, where the offence was committed on active service, any such officer as may under the rules made in pursuance of this Act be authorised to confirm the findings and sentences of the field general court-martial awarding the sentence. Provided that a sentence of death or penal servitude awarded by a field general court-martial shall not be carried into effect, unless or until it has been confirmed by the general or field or flag officer commanding the force with which the person under sentence is present at the date of his sentence, whether such officer is an officer of the air-force or of the naval or military forces.

(2) The authority having power to confirm the finding and sentence of a court-martial may send back such finding and sentence, or either of them, for revision once, but not more

than once, and it shall not be lawful for the court on any revision to receive any additional evidence; and where the finding only is sent back for revision, the court shall have power without any direction to revise the sentence also. In no case shall the authority recommend the increase of a sentence, nor shall the court-martial on revisal of the sentence, either in obedience to the recommendation of an authority, or for any other reason, have the power to increase the sentence awarded.

(3) The finding of acquittal, whether on all or some of the offences with which the accused is charged, shall not require confirmation or be subject to be revised, and if it relates to the whole of the offences shall be pronounced at once in open court, and the accused shall be discharged.

(4) A member of a court-martial shall not have authority to confirm the finding or sentence of that court-martial, and where a member of a court-martial becomes confirming officer he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall, for the purposes of this Act, be deemed to be in that instance the confirming authority; and where a court-martial is held in a colony, and there is no such superior authority in that colony, the governor of that colony shall have power to confirm the finding and sentence of such court-martial in like manner in all respects as if he were such superior authority as above mentioned. Provided that where a member of a field general court-martial trying an accused would but for his being a member of the court have power to confirm the finding and sentence of the court, and is of opinion that it is not practicable, having due regard to the public service, to delay the case for the purpose of referring it to any other officer, he may confirm the finding and sentence.

(5) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation wholly or partly, and refer such finding and sentence or the part not confirmed to any superior authority competent to confirm the findings and sentence of the like description of courts-martial, and that authority shall for the purposes of this Act be deemed to be in that instance and to the extent of such reference the confirming authority.

(6) Subject to the provisions of this Act with respect to the finding of acquittal, the finding and sentence of a court-martial shall not be valid except in so far as the same may be confirmed by an authority authorised to confirm the same.

(7) Sentence of death when passed in a colony shall not, unless passed in respect of an offence committed on active service, be carried into effect, unless, in addition to the con-

Courts-martial.

firmation otherwise required by this Act, it is approved by the governor of the colony.

(8) Sentence of death when passed in India in respect of the offence of treason or murder shall not (except where the offence was committed on active service) be carried into effect, unless, in addition to the confirmation otherwise required by this Act, it is approved by the Governor-General.

(9) When a person subject to this Act is convicted of manslaughter, or rape, or any other civil offence under the section of this Act relating to the trial by court-martial of civil offences, and is sentenced to penal servitude, such sentence shall not be carried into execution unless, in addition to the confirmation otherwise required by this Act, it is approved, if the offender has been tried in India, by the Governor-General, or, if he has been tried in a colony, by the governor of the colony.

Conviction of less offence permissible on charge of greater.

56.—(1) An accused charged before a court-martial with stealing may be found guilty of embezzlement or of fraudulently misapplying money or property.

(2) An accused charged before a court-martial with embezzlement may be found guilty of stealing or fraudulently misapplying money or property.

(3) An accused charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(4) An accused charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(5) An accused charged before a court-martial with any other offence under this Act may, on failure of proof of an offence being committed under circumstances involving a higher degree of punishment, be found guilty of the same offence as being committed under circumstances involving a less degree of punishment.

Execution of Sentence.

Commutation and remission of sentences.

EXECUTION OF SENTENCE.

57.—(1) The confirming authority may, when confirming the sentence of any court-martial, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial, or if such punishment is death, awarded for the offence of murder, then for penal servitude or such less punishment as is in this Act mentioned. The confirming authority may also suspend for such time as seems expedient the execution of a sentence.

(2) When a sentence passed by a court-martial has been confirmed, the following authorities shall have power to mitigate

or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial, or, if such punishment is death, awarded for the offence of murder then for penal servitude or such less punishment as in this Act mentioned; that is to say,

Execution of Sentence.

(a) As respects persons undergoing sentence in any place whatever, His Majesty or the Air Council * * * or any prescribed officer;

(b) * * * *

(c) * * * *

(d) * * * *

(3) Provided that the power given by this section shall not be exercised by an officer holding a command inferior to that of the authority confirming the sentence, unless such officer is authorised by such confirming authority or other superior air-force authority to exercise such power.

(4) An authority having power under this section to mitigate, remit, or commute any punishment may, if it seem fit, do all or any of those things in respect of a person subject to such punishment.

(5) The provisions of this Act with respect to an original sentence of penal servitude, imprisonment, or detention shall apply to a sentence of penal servitude, imprisonment, or detention imposed by way of commutation.

58. When a person subject to this Act is convicted by a court-martial, whether in the United Kingdom or elsewhere, either within or without His Majesty's dominions, and is sentenced to penal servitude, such conviction and sentence shall be of the same effect as if such person (in this Act referred to as an air-force convict) had been convicted in the United Kingdom of an offence punishable by penal servitude and sentenced to penal servitude by a competent civil court, and all enactments relating to a person sentenced to penal servitude by a competent civil court shall, so far as circumstances admit, apply accordingly.

Effect of sentence of penal servitude.

59.—(1) Where a sentence of penal servitude is passed by a court-martial in the United Kingdom, the air-force convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law, and until so transferred shall be kept in air-force custody.

Execution of sentences of penal servitude passed in the United Kingdom.

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison.

(3) At any time before his arrival at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air-force convict.

*Execution of
Sentence.*

(4) Any one or more of the following authorities shall be the committing authority for the purposes of this section, namely,—

(a) The Air Council,

(b) The commanding officer of the air-force convict, and

(c) Any other prescribed officer.

(5) Any one of the following authorities shall be the discharging authority for the purposes of this section, namely,—

(a) The Air Council, and

(b) Any other prescribed officer.

Execution of
sentences of
penal servi-
tude passed in
India or a
colony.

60.—(1) Where a sentence of penal servitude is passed by a court-martial in India or any colony, the air-force convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law.

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison.

(3) The air-force convict during the period which intervenes between the passing of his sentence and his arrival at the penal servitude prison (in this section referred to as the term of his intermediate custody) shall be deemed to be in legal custody.

(4) The air-force convict during his term of intermediate custody may be kept in air-force custody or in civil custody, or partly in one description of custody and partly in the other, and may from time to time be transferred from air-force custody to civil custody and from civil custody to air-force custody as occasion may require, and may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

(5) “Civil custody,” for the purposes of this section, means custody in any authorised prison; nevertheless, where it is not practicable to place the air-force convict in an authorised prison he may, by way of civil custody, be confined temporarily in any other prison with the assent of the authority having jurisdiction over that prison.

(6) The air-force convict whilst in any prison in which he may legally be placed may be dealt with, in respect of hard labour and otherwise, according to the rules of that prison.

(7) An order of the removing authority (hereafter in this section mentioned) shall be a sufficient authority for the transfer of the air-force convict from air-force custody to civil custody and from civil custody to air-force custody, and his removal from place to place, and for his detention in civil custody, and generally for dealing with such convict in such manner as may be thought expedient during the term of his intermediate custody.

(8) The removing authority during the term of the intermediate custody of the air-force convict may from time to time by order provide for his being brought before a court-martial, or any civil court, either as a witness or for trial or otherwise, and an order of such authority shall be a sufficient warrant for the delivering him into air-force custody, and detaining him in custody until he can be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority.

Execution of Sentence.

(9) Any directions of the removing authority relating to the mode in which the air-force convict is to be dealt with during the term of his intermediate custody may be contained in the same order or in several orders; and if the orders are more than one, they may be by different officers and at different times.

(10) At any time before the air-force convict arrives at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air-force convict.

(11) * * * The committing authority for the purposes of this section * * * , whether in India or in a colony, shall be the prescribed officer.

(12) Any one or more of the following officers shall be the removing authority for the purposes of this section; that is to say,

(a) Any officer prescribed as the committing authority; also

(b) * * *

(c) Any other prescribed officer.

(13) Any of the following officers shall be the discharging authority for the purposes of this section; that is to say,

(a) The officer who confirmed the sentence; also

(b) Any officer prescribed as the committing authority; also

(c) Any other prescribed officer.

61.—(1) Where a sentence of penal servitude is passed by a court-martial in any foreign country, the air-force convict on whom such sentence has been passed shall as soon as practicable be transferred to a penal servitude prison for the purpose of undergoing his sentence according to law, and, until so transferred, may be kept in air-force custody.

Execution of sentences of penal servitude passed in a foreign country.

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for the transfer of the air-force convict to a penal servitude prison.

(3) If at any time before his arrival in the United Kingdom the air-force convict is brought into India or any colony, he may be dealt with by the competent air-force authority in India or such colony in the same manner in all respects as if he had been there sentenced by court-martial to penal servitude.

Execution of Sentence.

- (c) The commanding officer of the air-force prisoner or airman undergoing detention; and
- (d) Any other prescribed officer :
- (3) Any one of the following authorities shall be the discharging authority :
 - (a) The Air Council ;
 - (b) * * * *
 - (c) The officer who confirmed the sentence ;
 - (d) Any other prescribed officer ; also
 - (e) Where the sentence was passed by the commanding officer, the commanding officer :
- (4) Any one or more of the following authorities shall be the removing authority :
 - (a) The Air Council ;
 - (b) * * * *
 - (c) Any other prescribed officer ; also,
 - (d) Where the sentence was passed by the commanding officer, the commanding officer.

Supplemental provision as to sentences of imprisonment or detention passed or being undergone in India or a colony.

65. Where a sentence of imprisonment or detention is passed or being undergone in India or any colony, then, for the purposes of the provisions of this Act relating to imprisonment or detention, as the case may be—

- (1) The expression “ public prison ” means any of the following prisons ; that is to say,
 - (a) Where the sentence was passed in India, any authorised prison in India ;
 - (b) Where the sentence was passed in a colony, any authorised prison in that colony ;
 - (c) Any such authorised prison in any part of His Majesty’s dominions other than that in which the sentence was passed as may be prescribed ; and
 - (d) Any public prison in the United Kingdom as above defined for the purpose of the provisions of this Act relating to imprisonment in the United Kingdom :
- (2) “ Authorised prison ” means any prison in India or any colony which the Governor-General of India or the governor of such colony, with the concurrence of the Secretary of State, may have appointed as a prison in which air-force prisoners may be confined :
- (3) An air-force prisoner may temporarily be confined in a prison not a public prison, with the assent of the authority having jurisdiction over such prison. And an air-force prisoner, who is to undergo his sentence in the United Kingdom until he reaches a prison in the United Kingdom, in which he is to undergo his sentence, may be kept in air-force custody or in civil

custody, and partly in one description of custody and partly in the other, and may from time to time be transferred from air-force custody to civil custody, and from civil custody to air-force custody, as occasion may require.

Execution of Sentence.

(4) Any one or more of the following officers shall be the committing authority; that is to say, * * * * whether in India or a colony,

(i) The officer who confirmed the sentence;

(ii) The commanding officer of the air-force prisoner or airman undergoing detention; and

(iii) Any other prescribed officer :

(5) Any of the following officers shall be the discharging authority :

(a) * * * *

(b) Any officer in this section named as a committing authority, with this exception, that the commanding officer shall only be a discharging authority where the sentence was passed by a commanding officer; and

(c) Any other prescribed officer :

(6) Any one or more of the following officers shall be the removing authority :

(a) Any officer in this section named as a committing authority;

(b) * * * *

(c) Any other prescribed officer.

66. Where a sentence of imprisonment or detention is passed by a court-martial or commanding officer in any foreign country, then if and as soon as the air-force prisoner or airman undergoing detention on whom such sentence has been passed is brought into the United Kingdom or India, or any colony, the provisions of this Act shall apply in the same manner in all respects as if the sentence of imprisonment or detention had been passed in the United Kingdom, India, or any colony, as the case may be, with this addition, that the officer commanding the * * force to which the air-force prisoner or airman undergoing detention belonged at the time of his being sentenced shall also be deemed to be a committing authority, whether such officer is an officer of the air force or of the Army or Navy.

Supplemental provision as to sentences of imprisonment or detention passed in a foreign country.

67.—(1) The competent air-force authority (hereafter in this section mentioned) may give directions for the delivery into air-force custody of any air-force prisoner or airman undergoing detention for the time being undergoing his sentence of imprisonment or detention, and the removal of such prisoner or airman, whether with his corps or unit, or separately, to any place

Removal of prisoner or airman undergoing detention to place where corps is serving.

*Inquiry as to
and Confession
of Desertion.*

Inquiry by
court on
absence of
airman.

Inquiry as to and Confession of Desertion.

72.—(1) When any airman has been absent without leave from his duty for a period of twenty-one days, a court of inquiry may as soon as practicable be assembled, and inquire in the prescribed manner on oath or solemn declaration (which such court is hereby authorised to administer) respecting the fact of such absence, and the deficiency (if any) in the arms, ammunition, equipments, instruments, service necessities, or clothing of the airman, and if satisfied of the fact of such airman having absented himself without leave or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the commanding officer of the absent airman shall enter in the service books a record of the declaration of such court.

(2) If the absent airman does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court-martial for desertion.

Confession by
airman of
desertion or
fraudulent
enlistment.

73.—(1) Where an airman signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent air-force authority may, by the order dispensing with his trial by a court-martial, or by any subsequent order, award the same forfeitures and the same deductions from pay (if any) as a court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence, except such of them as may be mentioned in the order.

(2) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the commanding officer of the airman, shall be entered in the service books, and such airman shall continue to do duty in the corps or unit in which he may then be serving, or in any other corps or unit to which he may be transferred, until he is discharged or transferred to the reserve, or until legal proof can be obtained of the truth or falsehood of such confession.

(3) The competent air-force authority for the purposes of this section means the Air Council, or any prescribed general officer * * * *

*Provost
Marshal.*

Provost
marshal.

Provost Marshal.

74.—(1) For the prompt repression of all offences which may be committed abroad, provost marshals with assistants may from time to time be appointed by the general order of the general officer commanding a body of the air force.

(2) A provost marshal or his assistants may at any time arrest and detain for trial persons subject to this Act committing offences, and may also carry into execution any punishments to be inflicted in pursuance of a court-martial, but shall not inflict any punishment of his or their own authority :

Provided that a provost marshal and his assistants shall, as respects any airman in his or their custody and undergoing field punishment, have the same powers as the governor of an air-force prison.

*Provost
Marshal.*

Restitution of Stolen Property.

*Restitution of
Stolen
Property.*

75.—(1) Where a person has been convicted by court-martial of having stolen, embezzled, received, knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court-martial, or the Air Council, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

*Power as to
restitution of
stolen prop-
erty.*

(2) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or the Air Council to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3) Moreover, where it appears to the confirming authority or the Air Council from the evidence given before the court-martial, that any part of the property stolen, embezzled, received, or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or the Air Council may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

PART II.

ENLISTMENT.

Period of Service.

*Period of
Service.*

76. A person may be enlisted to serve His Majesty as an airman of the regular air force for a period of twelve years, or for such less period as may be from time to time fixed by His Majesty, but not for any longer period, and the period for which a person enlists is in this Act referred to as the term of his original enlistment.

*Limit of
original
enlistment.*

*Period of
Service.*
*Terms of
original
enlistment.*

77. The original enlistment of a person under this Act shall be as follows, either—

- (1) For the whole of the term of his original enlistment in air-force service; or
- (2) For such portion of the term of his original enlistment as may be from time to time fixed by the Air Council and specified in the attestation paper, in air-force service, and for the residue of the said term in the reserve.

*Change of
conditions of
service.*

78.—(1) The Air Council may from time to time, by general or special regulations, vary the conditions of service, so as to permit an airman of the regular air force in air-force service, with their assent, either—

- (a) To enter the reserve at once for the residue unexpired of the term of his original enlistment; or
- (b) To extend his air-force service for all or any part of the residue unexpired of such term; or
- (c) To extend the term of his original enlistment up to the period of twelve years, or any shorter period.

(2) The Air Council may from time to time, by general or special regulations, vary the conditions of service so as to permit a man in the reserve, with their assent, to re-enter upon air-force service for all or any part of the residue unexpired of the term of his original enlistment, or for any period of time not exceeding twelve years in the whole from the date of his original enlistment.

*Reckoning
and forfeiture
of service.*

79. In reckoning the service of an airman of the regular air force for the purpose of discharge or of transfer to the reserve—

- (1) The service shall begin to reckon from the date of his attestation; but
- (2) Where an airman of the regular air force has been guilty of any of the following offences :—
 - (a) Desertion from His Majesty's service, or
 - (b) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, or (if, having confessed the offence, he is liable to be tried) upon his trial being dispensed with by order of the competent air-force authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as an airman of the regular air force for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date :

Provided that the Air Council may restore all or any part of the service forfeited under this section to any airman who may perform good and faithful service, or may otherwise be deemed by the Air Council to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

*Period of
Service.*

Proceedings for Enlistment.

*Proceedings
for
Enlistment.*

80.—(1) Every person authorised to enlist recruits in the regular air force (in this Act referred to as the “recruiter”) shall give to every person offering to enlist a notice in the form for the time being authorised by the Air Council, stating the general requirements of attestation and the general conditions of the contract to be entered into by the recruit, and directing such person to appear before a justice of the peace either forthwith or at the time and place therein mentioned.

*Mode of enlist-
ment and
attestation.*

(2) Upon the appearance before a justice of the peace of a person offering to enlist, the justice shall ask him whether he has been served with and understands the notice and whether he assents to be enlisted, and shall not proceed with the enlistment if he considers the recruit under the influence of liquor.

(3) If he does not appear before a justice, or on appearing does not assent to be enlisted, no further proceedings shall be taken.

(4) If he assents to be enlisted—

(a) The justice, after cautioning such person that if he makes any false answer to the questions read to him he will be liable to be punished as provided by this Act, shall read or cause to be read to him the questions set forth in the attestation paper for the time being authorised by the Air Council, and shall take care that such person understands each question so read, and after ascertaining that the answer of such person to each question has been duly recorded opposite the same in the attestation paper, shall require him to make and sign the declaration as to the truth of those answers set forth in the said paper, and shall then administer to him the oath of allegiance contained in the said paper :

(b) Upon signing the declaration and taking the oath, such person shall be deemed to be enlisted as an airman of the regular air force :

(c) The justice shall attest by his signature, in manner required by the said paper, the fulfilment of the requirements as to attesting a recruit, and shall

*Proceedings
for
Enlistment.*

deliver the attestation paper, duly dated to the recruiter :

(d) The fee for the attestation of a recruit, and for all acts and things incidental thereto, shall be one shilling and no more, and shall be paid to the clerk of the justice :

(e) The officer who finally approves of a recruit for service shall, at his request, furnish him with a certified copy of his attestation paper.

(5) The date at which the recruit signs the declaration and takes the oath in this section in that behalf mentioned shall be deemed to be the date of the attestation of such recruit.

(6) The competent air-force authority, if satisfied that there is any error in the attestation paper of a recruit, may cause the recruit to attend before some justice of the peace, and that justice, if satisfied that such error exists, and is not so material as to render it just that the recruit should be discharged, may amend the error in the attestation paper, and the paper as amended shall thereupon be deemed as valid as if the matter of the amendment had formed part of the original matter of such paper.

(7) Where the regulations of the Air Council under this part of this Act require duplicate attestation papers to be signed and attested, this section shall apply to both such duplicates, and in the event of any amendment of an attestation paper the amendment shall be made in both of the duplicate attestation papers.

Power of
recruit to
purchase
discharge.

81. If a recruit within three months after the date of his attestation pays for the use of His Majesty a sum not exceeding ten pounds, he shall be discharged with all convenient speed, unless he claims such discharge during a period when airmen in air-force service, who otherwise would be transferred to the reserve, are required by a proclamation of His Majesty in pursuance of this Act to continue in air-force service, in which case he may be retained in His Majesty's service during that period, and at the termination thereof shall, if he so require it, on the payment then of the said sum, be discharged.

*Appointment
to Corps and
Transfers.*

Enlistment
for general
service.

Appointment to Corps and Transfers.

82.—(1) Recruits may, in pursuance of any general or special regulations from time to time made by the Air Council, be enlisted for service in particular corps or unit of the regular air force, but save as is provided by such regulations, if any, recruits shall be enlisted for general service.

Effect of
appointment
to a corps and
provision for
transfers

	*	*	*	*	*	*
83.	*	*	*	*		

Re-engagement and Prolongation of Service.

84.—(1) Subject to any general or special regulations from time to time made by the Air Council, an airman of the regular air force, if in air-force service, and after the expiration of nine years from the date of his original term of enlistment, may on the recommendation of his commanding officer, and with the approval of the competent air-force authority, be re-engaged for such further period of air-force service as will make up a total continuous period of twenty-one years of air-force service, reckoned from the date of his attestation, and inclusive of any period previously served in the reserve.

Re-engagement and Prolongation of Service.

Re-engagement of airmen.

(2) An airman of the regular air force during his period of re-engagement shall be liable to forfeit his previous service during such period of re-engagement in like manner as he is liable under this part of this Act during the term of his original enlistment.

(3) An airman of the regular air force who so re-engages shall make before his commanding officer a declaration in accordance with the said regulations.

85. An airman of the regular air force who has completed, or will within one year complete, a total period of twenty-one years' service, inclusive of any period served in the reserve, may give notice to his commanding officer of his desire to continue in His Majesty's service in the regular air force; and if the competent air-force authority approve he may be continued as an airman of the regular air force in the same manner in all respects as if his term of service were still unexpired, except that he may claim his discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

Continuance in service after 21 years' service.

86. The regulations from time to time made in pursuance of this part of this Act may, if it seems expedient, provide that a non-commissioned officer of the regular air force who extends his air-force service for the residue unexpired of his original term of enlistment shall have the right at his option to re-engage, under section eighty-four, and to continue his service, under section eighty-five of this Act, or to do either of such things, subject nevertheless, to the veto of the Air Council, or other authority mentioned in the regulations, and to such other conditions as are specified in the regulations.

Re-engagement and continuance of service of non-commissioned officers.

87.—(1) Where the time at which an airman of the regular air force would otherwise be entitled to be discharged occurs while a state of war exists between His Majesty and any foreign power, or while such airman is on service beyond the seas, or while airmen in the reserve are required by proclamation, in pursuance of the enactments relating to the calling out of the

Prolongation of service in certain cases.

*Re-engagement and
Prolongation
of Service.*

reserve on permanent service, to continue in or re-enter upon air-force service, the airman may be detained, and his service may be prolonged for such further period not exceeding twelve months, as the competent air-force authority may order; but at the expiration of that period, or any earlier period at which the competent air-force authority considers his services can be dispensed with, the airman shall, as provided by this Act, be discharged with all convenient speed.

(2) Where the time at which an airman of the regular air force would otherwise be entitled to be transferred to the reserve occurs while a state of war exists between His Majesty and any foreign power, the airman may be detained in air-force service for such further period, not exceeding twelve months, as the competent air-force authority may order, but at the expiration of that period, or any earlier period at which the competent air-force authority considers his services can be dispensed with, the airman shall with all convenient speed be sent to the United Kingdom for the purpose of being transferred to the reserve.

(3) If an airman required under this section to be discharged or sent to the United Kingdom desires, while a state of war exists between His Majesty and any foreign power, to continue in His Majesty's service, and the competent air-force authority approve, he may agree to continue as an airman of the regular air force in the same manner in all respects as if his term of service were still unexpired, except that he may claim his discharge at the end of such state of war, or, if it is so provided by such agreement, at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

(4) An airman who so agrees to continue shall make before his commanding officer a declaration in accordance with any general or special regulations from time to time made by the Air Council.

*In imminent
national
danger, His
Majesty may
continue
airmen in
air force
service or call
out reserve for
permanent
service.*

88.—(1) It shall be lawful for His Majesty in Council in case of imminent national danger or of great emergency, by proclamation, the occasion being first communicated to Parliament if Parliament be then sitting, or if Parliament be not then sitting declared by the proclamation, to order that the airmen who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the reserve shall continue in air-force service.

(2) It shall be lawful for His Majesty by any such proclamation to order the Air Council from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for causing all or any of the airmen mentioned in the proclamation to continue in air-force service.

(3) Every airman for the time being required by or in pursuance of such directions to continue in air-force service shall continue to serve in air-force service for the same period for which he might be required to serve, if he had been transferred to the reserve and called out for permanent service by a proclamation of His Majesty under the enactments relating to the reserve.

Re-engagement and Prolongation of Service.

(4) Any man who has entered the reserve in pursuance of the terms of his enlistment may be called out for permanent service by a proclamation of His Majesty under the enactments relating to the calling out of the reserve on permanent service.

Discharge and Transfer to Reserve Force.

Discharge and Transfer to Reserve Force.

89. In the following cases; that is to say,

- (1) Where an airman of the regular air force has been invalided from service beyond the seas; or
- (2) Where a corps or unit to which an airman of the regular air force belongs, or the part thereof in which he is serving, is ordered on service beyond the seas, and the airman is either unfit for such service by reason of his health, or is within two years of the end of the period of his air-force service in the terms of his original enlistment,

Transfer of airmen to reserve when corps or unit ordered abroad.

the competent air-force authority may by order transfer him to the reserve in like manner as if the period of his actual service were specified in his attestation paper as the portion of the term of his original enlistment which was to be spent in air-force service.

90.—(1) Save as otherwise provided by this Act or the Acts relating to the reserve forces, every airman of the regular air force, upon the completion of the term of his original enlistment, or of the period of his re-engagement, shall be discharged with all convenient speed, but until so discharged shall be subject to this Act as an airman of the regular air force.

Discharged or transferred to reserve.

(2) Where an airman of the regular air force enlisted in the United Kingdom is, when entitled to be discharged, serving beyond the seas, he shall, if he so requires, be sent to the United Kingdom, and in such case shall, with all convenient speed, be sent there free of expense, and on his arrival be discharged. If such airman is permitted, at his request, to stay at the place where he is serving, he shall not afterwards have any claim to be sent at the public expense to the United Kingdom or elsewhere.

(3) Every airman of the regular air force upon the completion of the period of his air-force service, if shorter than the term of his original enlistment, shall be transferred to the reserve, but until so transferred shall be subject to this Act as an airman of the regular air force.

*Discharge and
Transfer to
Reserve Force.*

(4) Where an airman of the regular air force, when entitled to be transferred to the reserve, is serving beyond the seas, he shall be sent to the United Kingdom free of expense with all convenient speed, and on his arrival shall be transferred to the reserve.

(5) An airman of the regular air force who is discharged on the completion of the term of his original enlistment or his re-engagement, as mentioned in the second subsection of this section, or is transferred to the reserve, shall be entitled to be conveyed free of cost from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost. Provided that in the case of transfer to the reserve he shall not be entitled to be so conveyed to any place out of the United Kingdom.

*Delivery of
lunatic air-
man on dis-
charge with
his wife or
child at work-
house or of
dangerous
lunatic at
asylum.*

91.—(1) The Air Council or any officer deputed by them for the purpose, may, if they or he think proper, on account of an airman's lunacy, cause any airman of the regular air force on his discharge, and his wife and child, or any of them, to be sent to the parish or union to which under the statutes for the time being in force he appears, from the statements made in his attestation paper and other available information to be chargeable; and such airman, wife, or child, if delivered after reasonable notice, in England or Ireland at the workhouse in which persons settled in such parish or union are received, and in Scotland to the inspector of poor of such parish, shall be received by the master or other proper officer of such workhouse or such inspector of poor, as the case may be.

(2) Provided that the Air Council, or any officer deputed by them for the purpose, where it appears to them or him that any such airman is a dangerous lunatic, and is in such a state of health as not to be liable to suffer bodily or mental injury by his removal, may, by order signified under their or his hand, send such lunatic direct to an asylum, registered hospital, licensed house, or other place in which pauper lunatics can legally be confined, and for the purpose of the said order the above-mentioned parish or union shall be deemed to be the parish or union from which such lunatic is sent.

(3) In England the lunatic shall be sent to the asylum, hospital, house, or place to which a person in the workhouse aforesaid, on becoming a dangerous lunatic, can by law be removed, and an order of the Air Council or officer under this section shall be of the same effect as a summary reception order within the meaning of the Lunacy Act, 1890, and the like proceedings shall be taken thereon as on an order under that Act.

(4) The Air Council or officer, before making the said order in respect of a lunatic who is liable to be delivered to the

inspector of poor of a parish in Scotland, may require the inspector of poor of that parish to specify the asylum to which such lunatic if in the parish would be sent, and it shall be the duty of such inspector forthwith to specify such asylum, and thereupon the Air Council or officer may make the said order for sending the lunatic to that asylum, and such order shall be of the same effect as an order by the sheriff within the meaning of section fifteen of the Lunacy (Scotland) Act, 1862, and the like proceedings shall be taken thereon as on an order under that section.

*Discharge and
Transfer to
Reserve Force.*

25 & 26 Vict.
c. 54.

(5) In the case of any such lunatic, who is liable to be delivered at a workhouse in Ireland at which persons settled in the said union are received, the Air Council or any officer deputed by them for the purpose may, by order under their or his hand, send such lunatic to the asylum of the district in which such union is situate, and such order shall be of the same effect as a warrant under the hands and seals of two justices given under the provisions of the tenth section of the Act of the session of the thirtieth and thirty-first years of the reign of Her late Majesty, chapter one hundred and eighteen, intituled "An Act to provide for the appointment of the officers and servants of district lunatic asylums in Ireland, and to alter and amend the law relating to the custody of dangerous lunatics and dangerous idiots in Ireland."

92.—(1) An airman of the regular air force shall not be discharged from that force, unless by sentence of court-martial with ignominy, or by order of the competent air-force authority, or by authority direct from His Majesty, and until duly discharged in manner provided by this Act and by regulations of the Air Council under this Act shall be subject to this Act.

*Regulations
as to discharge
of airmen.*

(2) To every airman of the regular air force who is discharged, for whatever reason he is discharged, there shall be given a certificate of discharge, stating such particulars as may be from time to time required by regulations of the Air Council under this Act.

(3) * * * *

Authorities to enlist and attest Recruits.

*Authorities to
enlist and
attest Recruits.*

93. The Air Council may from time to time make, and when made, revoke and alter a general or special order making such regulations, giving such directions, and issuing such forms as they may think necessary or expedient respecting the persons authorised to enlist recruits for His Majesty's regular air force, and for the purpose of such enlistment, and generally for carrying this part of this Act into effect; and any such order shall be of the same effect as if enacted in this Act.

*Regulations
as to persons
to enlist and
enlistment of
airmen.*

*Authorities: o
enlist and
attest Recruits.
Justices of the
peace for the
purposes of
enlistment.
46 Vict. c. 8.
9 Edw. 7. c. 3.*

94. For the purposes of the attestation of airmen in pursuance of this part of this Act—

An officer in the United Kingdom or elsewhere, if authorised in that behalf under the regulations of the Air Council, also every person exercising the office of a magistrate in India or a colony, and also each of the following persons, shall have the authority of a justice of the peace, and be deemed to be included in the expression “justice of the peace” wherever used in this part of this Act in relation to the attestation of airmen; that is to say,—

In India, any person duly authorised in that behalf by the Governor-General; and in the territories of any native state in India, the person performing the duties of the office of British resident or political agent therein, or any other person authorised in that behalf by the Governor-General of India; and

In a colony, any person duly authorised in that behalf by the governor of the colony; and

Beyond the limits of the United Kingdom, India, and a colony, any British consul general, consul, or vice-consul, or person duly exercising the authority of a British consul.

Special Provisions as to Persons to be enlisted.

*Special
Provisions as
to Persons to
be enlisted.*

*Enlistment of
aliens,
negroes, &c.*

95.—(1) Any person who is for the time being an alien may, if His Majesty think fit to signify his consent through a Secretary of State, be enlisted in His Majesty’s regular air force, so however, that the number of aliens serving together at any one time in any corps or unit of the regular air force, shall not exceed the proportion of one alien to every fifty British subjects, and that an alien so enlisted shall not be capable of holding any higher rank in His Majesty’s regular air force than that of a warrant officer or non-commissioned officer.

(2) Provided that notwithstanding the above provisions of this section any inhabitant of any British protectorate and any negro, or person of colour, although an alien, may voluntarily enlist in pursuance of this part of this Act, and when so enlisted, shall while serving in His Majesty’s regular air force, be deemed to be entitled to all the privileges of a natural-born British subject.

*Claims of
masters to
apprentices.*

96. The master of an apprentice in the United Kingdom who has been attested as an airman of the regular air force may claim him while under the age of twenty-one years as follows, and not otherwise :—

(1) The master, within one month after the apprentice left his service, must take before a justice of the peace the oath in that behalf specified in the First Schedule

to this Act, and obtain from the justice a certificate of having taken such oath, which certificate the justice shall give in the form in the said schedule, or to the like effect :

Special Provisions as to Persons to be enlisted.

- (2) A court of summary jurisdiction within whose jurisdiction the apprentice may be, if satisfied on complaint by the master that he is entitled to have the apprentice delivered up to him, may order the officer under whose command the apprentice is to deliver him to the master, but if satisfied that the apprentice stated on his attestation that he was not an apprentice, may, and if required by or on behalf of the said commanding officer, shall, try the apprentice for the offence of making such false statement, and if need be may adjourn the case for the purpose :
- (3) Except in pursuance of an order of a court of summary jurisdiction, an apprentice shall not be taken from His Majesty's service :
- (4) An apprentice shall not be claimed in pursuance of this section unless he was bound for at least four years by a regular indenture, and was under the age of sixteen years when so bound :
- (5) A master who gives up the indenture of his apprentice within one month after the attestation of such apprentice shall be entitled to receive to his own use so much of the bounty (if any) payable to such apprentice on enlistment as has not been paid to the apprentice before notice was given of his being an apprentice.

97. The provisions of this part of this Act with respect to apprentices shall apply to a person who at the time of his attestation is an indentured labourer in a colony, with these qualifications, that such indentured labourer, if imported at the expense of the employer or of the colony in consideration of the indenture under which he is serving, may be claimed although above the age of twenty-one years, and though bound for a less period or at an older age than is above specified.

Application of apprentice provisions to indentured labourers.

Offences as to Enlistment.

98. If a person without due authority—

Offences as to Enlistment.

Penalty on unlawful recruiting.

- (1) Publishes or causes to be published notices or advertisements for the purpose of procuring recruits for His Majesty's regular air force, or in relation to recruits for such force; or
- (2) Opens or keeps any house, place of rendezvous, or office as connected with the recruiting of such force; or
- (3) Receives any person under any such advertisement as aforesaid; or

*Offences as to
Enlistment.*

(4) Directly or indirectly interferes with the recruiting service of such force,

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

*Recruits
punishable for
false answers.*

99.—(1) If a person knowingly makes a false answer to any question contained in the attestation paper, which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested, he shall be liable on summary conviction to be imprisoned with or without hard labour for any period not exceeding three months.

(2) If a person guilty of an offence under this section has been attested as an airman of the regular air force, he shall be liable, at the discretion of the competent air-force authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court-martial for the offence.

*Miscellaneous
as to
Enlistment.*

Validity of
attestation
and enlist-
ment or re-en-
gagement.

Miscellaneous as to Enlistment.

100.—(1) Where a person after his attestation on his enlistment or the making of his declaration on re-engagement, has received pay as an airman of the regular air force during three months, he shall be deemed to have been duly attested and enlisted or duly re-engaged, as the case may be, and shall not be entitled to claim his discharge on the ground of any error or illegality in his enlistment, attestation, or re-engagement, or on any other ground whatsoever, save as authorised by this Act, and, if within the said three months such person claims his discharge, any such error or illegality or other ground shall not, until such person is discharged in pursuance of his claim, affect his position as an airman in His Majesty's service, or invalidate any proceedings, act, or thing taken or done prior to such discharge.

(2) Where a person is in pay as an airman in any corps or unit of His Majesty's regular air force, such person shall be deemed for all the purposes of this Act to be an airman of the regular air force, with this qualification, that he may at any time claim his discharge, but until he so claims and is discharged in pursuance of that claim, he shall be subject to this Act as an airman of the regular air force legally enlisted and duly attested under this Act.

(3) Where a person claims his discharge on the ground that he has not been attested or re-engaged, or not duly attested or re-engaged, his commanding officer shall forthwith forward such claim to the competent air-force authority, who shall as soon as practicable submit it to the Air Council, and if the claim appears well grounded the claimant shall be discharged with all convenient speed.

101.—(1) Any act authorised or required by this part of this Act to be done by, to, or before the competent air-force authority, may be done by, to, or before the Air Council, or any officer prescribed in that behalf.

(2) For the purposes of this part of this Act the expression “reserve” means the air force reserve.

*Miscellaneous
as to
Enlistment.*

Definition for purposes of Part Two of competent air-force authority and reserve.

PART III.

BILLETING AND IMPRESSMENT OF CARRIAGES.

Billeting of Officers and Airmen.

*Billeting of
Officers and
Airmen.*

102. During the continuance in force of this Act, so much of any law as prohibits, restricts, or regulates the quartering or billeting of officers and soldiers on any inhabitant of this realm without his consent is hereby suspended, so far as such quartering or billeting is authorised by this Act.

Suspension of
3 Chas. 1. c. 1;
31 Chas. 2.
c. 1; 6 Anne
(1.), c. 14, as
to billeting.

103.—(1) Every constable for the time being in charge at any place in the United Kingdom mentioned in the route issued to the commanding officer of any portion of His Majesty's air force shall, on the demand of such commanding officer, or of an officer or airman authorised by him, and on production of such route, billet on the occupiers of victualling houses and other premises specified in this Act as victualling houses in that place such number of officers, airmen, and horses entitled under this Act to be billeted as are mentioned in the route and stated to require quarters.

Obligation of
constable to
provide billets
for officers,
airmen, and
horses.

(2) A route for the purposes of this part of this Act shall be issued under the authority of His Majesty, signified through a Secretary of State, and shall state the forces to be moved in pursuance of the route, and that statement shall be signed by such officer as the Air Council may from time to time order in that behalf.

(3) A route purporting to be issued and signed as required by this section shall be evidence, until the contrary is proved, of its having been duly issued and signed in pursuance of this Act, and if delivered to an officer or airman by his commanding officer, shall be a sufficient authority to such officer or airman to demand billets, and when produced by an officer or airman to a constable, shall be conclusive evidence to such constable of the authority of the officer or airman producing the same to demand billets in accordance with such route.

104.—(1) The provisions of this part of this Act with respect to victualling houses shall extend to all inns, hotels, livery stables, or alehouses, also to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin

Liability to
provide
billets.

*Billeting of
Officers and
Airmen.*

by retail; and the occupier of a victualling house, inn, hotel, livery stable, alehouse, or any such house as aforesaid shall be subject to billets under this Act, and is in this Act included under the expression "keeper of a victualling house," and the inn, hotel, house, stables, and premises of such occupier are in this Act included under the expression "victualling house."

(2) Provided that an officer or airman shall not be billeted—

- (a) In any private house; nor
- (b) In any canteen held or occupied under the authority of a Secretary of State; nor
- (c) On persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding the persons who keep such taverns have taken out licences for the sale of any intoxicating liquor; nor
- (d) In the house of any distiller kept for distilling brandy and strong waters, so as such distiller does not permit tipping in such house; nor
- (e) In the house of any shopkeeper whose principal dealing is more in other goods and merchandise than in brandy and strong waters, so as such shopkeeper does not permit tipping in such house; nor
- (f) In a house of a person licensed only to sell beer or cider not to be consumed on the premises; nor
- (g) In the house of residence of any foreign consul duly accredited as such.

*Officers,
airmen, and
horses entitled
to be billeted.*

105.—(1) All officers and airmen of His Majesty's regular air force; and

(2) All horses belonging to His Majesty's regular air force; and

(3) All horses belonging to the officers of such force for which forage is for the time being allowed by His Majesty's regulations,

shall be entitled to be billeted.

*Accommoda-
tion and pay-
ment on billet.*

106.—(1) The keeper of a victualling house upon whom any officer, airman, or horse is billeted shall receive such officer, airman, or horse in his victualling house, and furnish there the accommodation following; that is to say, lodging and attendance for the officer; and lodging, attendance, and food for the airman; and stable room and forage for the horse, in accordance with the provisions of the Second Schedule to this Act.

(2) Where the keeper of a victualling house on whom any officer, airman, or horse is billeted desires, by reason of his want of accommodation or of his victualling house being full or otherwise, to be relieved from the liability to receive such officer, airman, or horse in his victualling house, and provides for such officer, airman, or horse in the immediate neighbourhood

such good and sufficient accommodation as he is required by this Act to provide, and as is approved by the constable issuing the billets, he shall be relieved from providing the same in his victualling house.

*Billeting of
Officers and
Airmen.*

(3) There shall be paid to the keeper of a victualling house for the accommodation furnished by him in pursuance of this Act the prices for the time being authorised in this behalf by Parliament as respects the Army.

(4) An officer or airman demanding billets in pursuance of this Act shall, before he departs, and if he remains longer than four days, at least once in every four days, pay the just demands of every keeper of a victualling house on whom he and any officers and airmen under his command, and his or their horses (if any) have been billeted.

(5) If by reason of a sudden order to march, or otherwise, an officer or airman is not able to make such payment to any keeper of a victualling house as is above required, he shall before he departs make up with such keeper of a victualling house an account of the amount due to him, and sign the same, and forthwith transmit the account so signed to the Air Council who shall forthwith cause the amount named in such account as due to be paid.

107.—(1) The police authority for any place may cause annually a list to be made out of all keepers of victualling houses within the meaning of this Act in such place, or any particular part thereof, liable to billets under this Act, specifying the situation and character of each victualling house, and the number of airmen and horses who may be billeted on the keeper thereof.

*Annual list of
keepers of
victualling
houses liable
to billets.*

(2) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to receive an undue proportion of officers, airmen, or horses, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

108. The following regulations shall be observed with respect to billeting in pursuance of this Act; that is to say,—

*Regulations
as to grant of
billets.*

(1) No more billets shall at any time be ordered than there are effective officers, airmen, and horses present to be billeted :

(2) All billets, when made out by the constable, shall be delivered into the hands of the commanding officer or non-commissioned officer who demanded the billets, or of some officer authorised by such commanding officer :

*Billeting of
Officers and
Airmen.*

- (3) If a keeper of a victualling house feels aggrieved by having an undue proportion of officers, airmen, or horses billeted on him, he may apply to a justice of the peace, or if the billets have been made out by a justice may complain to a court of summary jurisdiction, and the justice or court may order such of the officers, airmen, or horses to be removed and to be billeted elsewhere as may seem just :
- (4) A constable having authority in a place mentioned in the route may act for the purposes of billeting in any locality within one mile from such place, unless some constable ordinarily having authority in such locality is present and undertakes to billet therein the due proportion of officers, airmen, and horses :
- (5) The regulations with respect to billets contained in the Second Schedule to this Act shall be duly observed by the constable :
- (6) A justice of the peace on the request of an officer or non-commissioned officer authorised to demand billets, may vary a route by adding any place or omitting any place, and also may direct billets to be given above one mile from a place mentioned in the route :
- (7) A justice of the peace may require a constable to give an account in writing of the number of officers, airmen, and horses billeted by such constable, together with the names of the keepers of victualling houses on whom such officers, airmen, and horses are billeted, and the locality of such victualling houses.

*Billeting in
cases of
emergency.*

108A.—(1) Where directions have been given for embodying all or any part of the Territorial Force, His Majesty by Order distinctly stating that a case of emergency exists, and signified by a Secretary of State, and also in Ireland the Lord Lieutenant by a like Order, signified by the Chief Secretary or Under-Secretary, may authorise any general or field officer commanding any part of His Majesty's air force in any * * * district or place in the United Kingdom, to issue a billeting requisition under this section.

(2) Any officer so authorised may issue a billeting requisition under his hand reciting the said Order and requiring chief officers of police to provide billets in such places and for such number of officers and airmen, and their horses, and for such period, as may be specified in the requisition.

(3) The provisions of this Act as to billeting shall apply to billeting under such a requisition as if for references therein to a route there were substituted references to such a requisition, subject, however, to the following modifications :

- (a) The occupiers of all public buildings, dwelling-houses, warehouses, barns, and stables shall, as well as the

keepers of victualling houses, be liable to billets, and the said provisions shall apply as if references to victualling houses and the keepers of victualling houses included references to such public buildings, dwelling-houses, warehouses, barns, and stables, and the occupiers thereof :

- (b) The powers and duties conferred or imposed on constables shall be exercised and performed by the chief officers of police, and accordingly for references to constables in the said provisions there shall be substituted references to the chief officers of police, and for the reference to a justice of the peace in subsection (7) of section one hundred and eight there shall be substituted a reference to a court of summary jurisdiction, but a chief officer of police in selecting the persons required to provide billets, and in determining the number of officers and airmen to be billeted on any person shall, so far as practicable, have regard to the convenience of the several occupiers, and shall act in accordance with any general instructions which may have been issued by the police authority :
- (c) The prices to be paid to an occupier other than the keeper of a victualling house for accommodation furnished, and food and fodder supplied by him shall be such as may be fixed by regulations made by the Air Council with the consent of the Treasury :
- (d) Subsection (2) of section one hundred and three (which defines a route), paragraph (6) of section one hundred and eight (which relates to the power of a justice to vary a route) and so much of paragraph (2) of Part I. of the Second Schedule to this Act as limits the period during which meals are required to be furnished, and paragraph (2) of Part II. of that Schedule (which requires billets to be made out to the less distant victualling houses) shall not apply.

(4) Any regulations as to prices so made shall be laid before each House of Parliament as soon as may be after they are made, and if within forty days after they have been so laid either House presents an address to His Majesty praying that any such regulations may be annulled, His Majesty may thereupon by Order in Council annul the same, and the regulations so annulled shall thenceforth become void without prejudice to anything done thereunder in the meantime.

- (5) For the purposes of this section—

The expression “public building” includes any building wholly or partially provided or maintained out of the rates, and any building to which the public habitually have access, whether on payment or otherwise;

The expression “chief officer of police”

*Billeting of
Officers and
Airmen.*
53 & 54 Vict.
c. 45.
53 & 54 Vict.
c. 67.

(a) As respects the city of London, means the Commissioner of City Police, and elsewhere in England has the same meaning as in the Police Act, 1890;

(b) In Scotland has the same meaning as in the Police (Scotland) Act, 1890;

(c) As respects the police district of Dublin metropolis, means the Chief Commissioner of Police for that district, and elsewhere means a county inspector of the Royal Irish Constabulary.

In the case of unoccupied premises this section shall apply as if the owner were the occupier thereof.

(6) Compensation shall be paid by the Air Council out of money voted by Parliament for air force services in respect of any damage caused by any officer or airman billeted under this section to the premises in which he is billeted, and the amount of such compensation shall in the event of disagreement be determined—

52 & 53 Vict.
c. 49.

(a) In England by arbitration under the Arbitration Act, 1889;

57 & 58 Vict.
c. 58.

(b) In Scotland in the same manner as a question of disputed compensation under subsection (10) of section twenty-five of the Local Government (Scotland) Act, 1894;

19 & 20 Vict.
c. 102.

(c) In Ireland by arbitration under the Common Law Procedure Amendment Act (Ireland), 1856, as amended by any subsequent enactment.

*Offences in
relation to
Billeting.*
Offences by
constables.

Offences in relation to Billeting.

109. If a constable commits any of the offences following; that is to say,—

- (1) Billets any officer, airman, or horse, on any person not liable to billets without the consent of such person; or
- (2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve a person from being entered in a list as liable, or from his liability to billets, or from any part of such liability; or
- (3) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or
- (4) Neglects or refuses after sufficient notice is given to give billets demanded for any officer, airman, or horse entitled to be billeted;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding ten pounds.

110. If a keeper of a victualling house commits any of the offences following; that is to say, *Offences in relation to Billeting.*

- (1) Refuses or neglects to receive any officer, airman, or horse billeted upon him in pursuance of this Act, or to furnish such accommodation as is required by this Act; or *Offences by keepers of victualling houses.*
- (2) Gives or agrees to give any money or reward to a constable to excuse or relieve him from being entered in a list as liable, or from his liability, to billets, or any part of such liability; or
- (3) Gives or agrees to give to any officer or airman billeted upon him in pursuance of this Act any money or reward in lieu of receiving an officer, airman, or horse, or furnishing the said accommodation;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding five pounds.

111.—(1) If any officer quarters or causes to be billeted any officer, airman, or horse, otherwise than is allowed by this Act upon any person, he shall be guilty of a misdemeanour. *Offences by officers or airmen.*

(2) If any officer or airman commits any offence in relation to billeting for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, he shall, upon summary conviction, be liable to a fine not exceeding fifty pounds.

(3) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Air Council.

Impressment of Carriages, &c.

Impressment of Carriages.

112.—(1) Every justice of the peace in the United Kingdom having jurisdiction in any place mentioned in a route issued to the commanding officer of any portion of His Majesty's regular air force shall, on the demand of such commanding officer, or of an officer or non-commissioned officer authorised by him, and on production of such route, issue his warrant requiring some constable or constables having authority in such place to provide, within a reasonable time to be named in the warrant, such carriages animals, and drivers as are stated to be required for the purpose of moving the service baggage and service stores of the forces mentioned in the route in accordance with the route; and the constable or constables shall execute such warrant, and persons having carriages and animals suitable for the said purpose shall, when ordered by a constable in pursuance of such warrant, furnish the same in a state fit for use for the aforesaid purpose. *Supply of carriages, &c. for regimental baggage and stores on the march.*

*Impressment
of Carriages.*

(2) The route for the purpose of this section shall be such route as is mentioned in the foregoing provisions of this part of this Act with respect to billeting.

(3) A route purporting to be issued and signed as required by those provisions, if delivered to an officer or non-commissioned officer by his commanding officer, shall be a sufficient authority to such officer or non-commissioned officer to demand carriages and animals in pursuance of this Act, and when produced by an officer or non-commissioned officer shall be conclusive evidence to a justice and constable of the authority of the officer or non-commissioned officer producing the same to demand carriages and animals in accordance with such route.

(4) The warrant ordering carriages, animals and drivers to be provided shall specify the number and description of the carriages, and also the places from and to which the same are to travel, and the distances between such places.

(5) When sufficient carriages or animals cannot be procured within the jurisdiction of the said justice, any justice having jurisdiction in the next adjoining place shall, by a like course of proceeding, supply the deficiency.

(6) A fee of one shilling and no more shall be paid for the warrant by the officer or non-commissioned officer applying for the same and shall be paid to the clerk of the justice.

*Payment for
and regula-
tions as to
carriages,
animals, &c.*

113.—(1) There shall be paid in respect of the carriages and animals furnished in pursuance of this part of this Act the rates specified in the Third Schedule to this Act, and the regulations contained in that schedule with respect to the carriages and animals furnished shall be duly observed.

(2) The following authorities; that is to say,

(a) In England the court of general or quarter sessions of a county or of a borough subject to the Municipal Corporations Act, 1882; and

(b) In Scotland, the commissioners of supply of a county, or the magistrates of a Royal or Parliamentary burgh; and

(c) In Ireland, the grand jury for a county, a county of a city, a county of a town and city, or a city or town and county, also any council of any such county, town or city having by law the fiscal powers of a grand jury,

may from time to time, as respects places within their jurisdiction, by order increase the rates authorised in the said schedule by such amount in respect of each rate, not exceeding one third, as may seem reasonable, and the amount of such increase shall be notified in writing by the justice granting a warrant in pursuance of this Act to the person demanding the warrant.

45 & 46 Vict.
c. 50.

(3) The order shall specify the average price of hay and oats at the nearest market town at the time of fixing such increased rates, and the order shall not be in force for more than ten days beyond the next meeting of such authority, but may be renewed from time to time by a fresh order or orders, and while in force shall have effect as part of the said schedule.

(4) A copy of every such order, duly authenticated, shall be transmitted to the Air Council within three days after the making thereof.

(5) The officer or non-commissioned officer who demands carriages or animals in pursuance of this part of this Act shall pay the sums due in respect of the same to the owners or drivers of the carriages or animals, and one third part of such payment shall in each case, if required, be made before the carriage is loaded; and such payments shall be made, if required, in the presence of a justice or constable.

(6) If an officer or non-commissioned officer is from any cause unable to pay the amount due to the owner or driver of any carriage or animal, he shall make up with such owner or driver and sign an account of the amount due to him, and forthwith transmit the account so signed to the Air Council, who shall forthwith cause the amount named therein to be paid to such owner or driver.

114.—(1) The authority hereinafter mentioned for any place may cause annually a list to be made out of all persons in such place, or any particular part thereof, liable to furnish horses and carriages and aircraft under this Act, and of the number and description of the horses and carriages and aircraft of such persons; and where a list is so made, any justice may by warrant require any constable or constables having authority within such place to give from time to time, on demand by an officer or non-commissioned officer under this Act, orders to furnish horses and carriages, and such warrant shall be executed as if it were a special warrant issued in pursuance of this Act on such demand, and the orders shall specify the like particulars as such special warrant.

Annual list of persons liable to supply carriages, animals, and aircraft.

Provided that if in any year a list of animals and carriages is made out under section one hundred and fourteen of the Army Act, a list of animals and carriages shall not be made out under this section, but the list so made out shall have effect as if it had been made out under this section as well as under the said section of the Army Act.

(1A) For the purpose of assisting the authority hereinafter mentioned in the preparation of such list as aforesaid, any proper officer authorised in that behalf by the authority shall be entitled at all reasonable times to enter any premises in which he has reason to believe that any horses and carriages and aircraft are kept, and to inspect any horses and carriages and aircraft which may be found therein.

*Impressment
of Carriages.*

If any such officer so authorised is obstructed in the exercise of his powers under this provision, a justice of the peace may, if satisfied by information on oath that the officer has been so obstructed, issue a search warrant authorising the constable named therein, accompanied by the officer, to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening, and to inspect any horses and carriages and aircraft that may be found therein.

In this provision the expression "proper officer" means any officer or person of such rank, class, or description as may be specified in an order of the Air Council made for the purpose.

(2) The authority hereinafter mentioned shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to furnish any number or description of horses and carriages which he is not liable to furnish, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

(3) All orders given by constables for furnishing horses and carriages shall, as far as possible, be made from such list in regular rotation.

(4) The authority for the purposes of this section shall
* * * be * * * the police authority.

*Supply of
carriages,
vessels, &c.,
in case of
emergency.*

115.—(1) His Majesty by order, distinctly stating that a case of emergency exists, and signified by a Secretary of State, and also in Ireland the Lord Lieutenant by a like order, signified by the Chief Secretary or Under Secretary, may authorise any general or field officer commanding His Majesty's regular air force in any * * * district or place in the United Kingdom to issue a requisition under this section (hereinafter referred to as a requisition of emergency).

(2) The officer so authorised may issue a requisition of emergency under his hand reciting the said order, and requiring justices of the peace to issue their warrants for the provision, for the purpose mentioned in the requisition, of such carriages and animals as may be provided under the foregoing provisions, and also of carriages of every description (including motor cars and other locomotives, whether for the purpose of carriage or haulage), and of horses of every description, whether kept for saddle or draught, and also of vessels (whether boats, barges, or other) used for the transport of any commodities whatsoever upon any canal or navigable river, and also of aircraft of every description and also of food, forage, and stores of every description.

(3) A justice of the peace, on demand by an officer of the portion of His Majesty's forces mentioned in a requisition of

emergency, or by an officer of the Air Council authorised in this behalf, and on production of the requisition, shall issue his warrant for the provision of such carriages, animals, vessels, aircraft, food, forage and stores as are stated by the officer producing the requisition of emergency to be required for the purpose mentioned in the requisition; the warrant shall be executed in the like manner, and all the provisions of this Act as to the provision or furnishing carriages and animals, including those respecting fines on officers, non-commissioned officers, justices, constables, or owners of carriages or animals, shall apply in like manner as in the case where a justice issues, in pursuance of the foregoing provisions of this Act, a warrant for the provision of carriages and animals, and shall apply to vessels, aircraft, food, forage and stores, in like manner in all respects as they apply to carriages.

(3A) A requisition of emergency may authorise any officer mentioned therein to require any carriages and horses furnished in pursuance of this section to be delivered at such place (not being more than one hundred miles in the case of a motor car or other locomotive, and not being more than ten miles in the case of any other carriage or horse, from the premises of the owner) and at such time as may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, and the provisions of this Act shall have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid.

(4) The Air Council shall cause due payment to be made for articles furnished in pursuance of this section, and if any difference arises respecting the amount of payment for any article, the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which such article was furnished or through which it travelled or was carried in pursuance of the requisition; and for the purpose of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect.

Where a sum has been paid or tendered by or on behalf of the Air Council under this subsection, that sum shall be deemed to be the amount due, unless, within three weeks from the date of payment or tender, an application is made to a county court judge for his certificate.

(5) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in

*Impressment
of Carriages.*

pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

(6) A requisition of emergency, purported to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence, until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of His Majesty's forces or of the Air Council shall be a sufficient authority to such officer to demand carriages, animals, vessels, aircraft, food, forage and stores in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to make such demand in accordance with such requisition; and it shall be lawful to convey on such carriages, animals, vessels and aircraft, not only the baggage, provisions, and stores of the body of the air force mentioned in the requisition of emergency, but also the officers, airmen, servants, women, children, and other persons of and belonging to the same.

(7) Whenever a proclamation ordering the air-force reserve to be called out on permanent service * * * is in force, the order of His Majesty authorising an officer to issue a requisition of emergency may authorise him to extend such requisition to the provision of carriages, animals, vessels, aircraft, food, forage and stores for the purpose of being purchased, as well as of being hired, on behalf of the Crown.

(8) Where a justice, on demand by an officer and on production of a requisition of emergency, has issued his warrant for the provision of any articles, and any person ordered in pursuance of such warrant to furnish any such article refuses or neglects to furnish the same according to the order, then, if a proclamation ordering the air force reserve to be called out on permanent service * * * is in force, the said officer may seize (and if need be by force) the article requisitioned, and may use the same in like manner as if it had been furnished in pursuance of the order, but the said person shall be entitled to payment for the same in like manner as if he had duly furnished the same according to the order.

(9) The Air Council may, by regulations under the Territorial and Reserve Forces Act, 1907, assign to county associations established under that Act the duty of furnishing in accordance with the directions of the Air Council, such carriages, animals, vessels, aircraft, food, forage and stores as may be required on mobilisation for the regular or auxiliary forces, or any part thereof, and where such regulations are made an officer of a county association shall have the same powers as are by this section conferred on an officer of the Air Council.

Offences in relation to the Impressment of Carriages. &c.

Offences in relation to the Impressment of Carriages, &c.
Offences by constables.

116. Any constable who—

- (1) Neglects or refuses to execute any warrant of a justice, requiring him to provide carriages, animals, vessels, aircraft, food, forage or stores; or
- (2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve any person from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing any such article; or
- (3) Orders any such article to be furnished for any person or purpose or on any occasion for and on which it is not required by this Act to be furnished,

shall, on summary conviction, be liable to a fine of not less than twenty shillings nor more than twenty pounds.

117. A person ordered by any constable in pursuance of this Act to furnish any article who—

Offences by persons ordered to furnish carriages, animals, vessels, or aircraft.

- (1) Refuses or neglects to furnish the same according to the orders of such constable and this Act; or
- (2) Gives or agrees to give to a constable or to any officer or non-commissioned officer any money or reward whatsoever to be excused from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing, or in lieu of furnishing, any article in pursuance of this Act; or
- (3) Does any act or thing by which the execution of any warrant or order for providing or furnishing any article is hindered,

shall, on summary conviction, be liable to pay a fine of not less than forty shillings nor more than ten pounds.

118.—(1) Any officer or airman who commits any offence in relation to the impressment of carriages for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, shall, on summary conviction, be liable to a fine not exceeding fifty pounds nor less than forty shillings.

Offences by officers or airmen.

(2) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Air Council.

Supplemental Provisions as to Billeting and Impressment of Carriages.

Supplemental Provisions as to Billeting and Impressment of Carriages.

119.—(1) The following persons; that is to say,—

- (a) If any officer or airman fails to comply with the provisions of this part of this Act with respect to the payment of a sum due to a keeper of a victualling

Application to court of summary jurisdiction respect-

*Supplemental
Provisions as
to Billeting
and*

*Impressment
of Carriages.*

ing sums due
to keepers of
victualling
houses or
owners of
carriages, &c.

house or in respect of carriages or animals, or to the making up of an account of the sum due, the person to whom the sum is due; or

- (b) If a keeper of a victualling house suffers any ill-treatment by violence, extortion, or making disturbance in billets from any officer or airman billeted upon him, or if the owner of any article or the person in charge of any carriage, animal, vessel or aircraft furnished in pursuance of this part of this Act suffers any ill-treatment from any officer or airman, the person suffering such ill-treatment, but, when there is an officer commanding such officer or airman present at the place only after first making due complaint, if practicable to such commanding officer,

may apply to a court of summary jurisdiction, and such court, if satisfied on oath of such failure or such ill-treatment, and of the amount fairly due to the applicant, including the costs of his application to the court of summary jurisdiction, shall certify the same to the Air Council, who shall forthwith cause the amount due to be paid.

(2) Provided that the Air Council, if it appear to them that the amount named in such certificate is not justly due, or is in excess of the amount justly due, may direct a complaint to be made to a court of summary jurisdiction for the county, borough, or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just.

Provisions as
to constables,
police autho-
rities, and
justices.

120.—(1) A constable shall observe the directions given to him for the due execution of this part of this Act by the police authority; and the police authority, or any member thereof, and every justice of the peace may, if it seem necessary, and in the absence of a constable shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a constable, and in such case every such person is in this part of this Act included in the expression “constable.”

(2) A person having or executing any air-force office or commission in any part of the United Kingdom shall not, directly or indirectly, be concerned, as a justice or constable, in the billeting of or appointing quarters for any officer or, airman or horse of the corps or unit, or part of a corps or unit under his immediate command, and all warrants, acts, and things made, done, and appointed by such person for or concerning the same shall be void.

121. If any person—

- (1) Forges or counterfeits any route or requisition of emergency, or knowingly produces to a justice or constable any route or requisition of emergency so forged or counterfeited; or
- (2) Personates or represents himself to be an officer or airman authorised to demand any billet, or any carriage, animal, vessel, aircraft, food, forage or stores, or to be entitled to be billeted, or to have his horse billeted, or personates or represents himself to be a person authorised to act in the purchase or hire, for the purposes of His Majesty's air service, of any carriage, animal, vessel, aircraft, food, forage or stores; or
- (3) Produces to a justice or constable a route or requisition which he is not authorised to produce, or a document falsely purporting to be a route or requisition,

Supplemental Provisions as to Billeting and Impressment of Carriages.

Fraudulent claim for carriages, animals, &c.

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds.

PART IV.

GENERAL PROVISIONS.

Supplemental Provisions as to Courts-martial.

122.—(1) His Majesty may, subject to the provisions of this Act, by any warrant or warrants under His Sign Manual, in such form as His Majesty may from time to time direct, from time to time—

Supplemental Provisions as to Courts-martial.

Royal warrant required for convening and confirming general courts-martial.

- (a) Convene or authorise any qualified officer to convene a general court-martial for the trial under this Act of any person subject to this Act; and
- (b) Give a general authority to any qualified officer to convene general courts-martial for the trial, under this Act, of such persons subject to this Act as may for the time being be under or within the * * limits of his command; and
- (c) Empower any qualified officer to delegate to any officer under his command, not below the degree of field officer, a general authority to convene general courts-martial for the trial, under this Act, of such persons subject to this Act, as are for the time being under or within the * * limits of his command; and
- (d) Reserve for confirmation by His Majesty, or empower any qualified officer to confirm, the findings and sentences of general courts-martial; and
- (e) Empower any officer for the time being authorised to confirm the findings and sentences of general courts-

*Supplemental
Provisions as
to Courts-
martial.*

martial to reserve for confirmation findings or sentences of general courts-martial, or to delegate a power of confirming such findings or sentences to any officer under his command not below the degree of field officer; and

- (f) Revoke any warrant for the time being in force, or any part of any warrant, leaving the remainder in full force :

Provided that where it appears to His Majesty that, in any place out of the United Kingdom, where no field officer is for the time being in command, hardship would be inflicted on persons accused of offences by reason of there being no means of speedily trying such persons for offences, a warrant under this section may empower an officer to delegate to an officer not below the degree of captain any authority and power authorised under this section to be delegated to a field officer.

- (2) The same officer may or may not be appointed convening and confirming officer.

(3) The power of convening general courts-martial, and of confirming the findings and sentences of general courts-martial, or either of such powers, may be granted subject to such restrictions, reservations, exceptions, and conditions as to His Majesty may seem meet, and when delegated by any officer empowered in that behalf may, subject to the provisions of any warrant granting him such power, be delegated subject to such restrictions, reservations, exceptions, and conditions as to such officer may seem fit.

(4) Warrants under this section may be addressed to officers by name or by designation of their offices, or partly in one way and partly in the other, and any warrant may or may not, according to the terms of such warrant and the mode in which the same is addressed, be limited to an officer named, or be extended to a person for the time being performing the duties of the office named, or be extended to the successors in command of an officer.

(5) Any warrant of His Majesty issued in pursuance of this section shall be of the same force as if the provisions thereof were enacted by this Act.

(6) "Qualified officer" for the purposes of this Act, in so far as it relates to convening or confirming the findings and sentences of general courts-martial, means any officer not below the rank of a field officer commanding for the time being any body of the regular air force either within or without His Majesty's dominions; it also includes the Lord Lieutenant of Ireland, the Governor-General of India, and a Governor of any colony on whom the command of any part of His Majesty's forces may be conferred by His Majesty; it also includes, in the case of a body of the air force on active service, the officer commanding in chief in the field, whether such officer is an officer of the air force army or navy.

123.—(1) Any officer or person authorised to convene general courts-martial may—

Supplemental Provisions as to Courts-martial.

- (a) Convene a district court-martial for the trial under this Act of any person under his command who is subject to this Act; and
- (b) Empower any person under his command not below the rank of captain to convene a district court-martial for the trial under this Act of any person under the command of such last-mentioned officer who is subject to this Act; and
- (c) Confirm the finding and sentence of any district court-martial, or empower any officer whom he has power to authorise to convene district courts-martial to confirm the finding and sentence of any district court-martial.

Authority of officer empowered to convene general courts-martial required for convening and confirming district courts-martial.

(2) The same officer may or may not be appointed convening and confirming officer under this section.

(3) The power of convening, and of confirming the findings and sentences of, district courts-martial, or either of such powers, may be granted under this section, subject to such restrictions, reservations, exceptions, and conditions as to the officer granting such power may seem meet.

(4) Any authority under this section for convening district courts-martial may be addressed to an officer by name or by designation of his office, or partly in one way and partly in the other, and may, or may not, according to the terms thereof and the mode in which the same is addressed, be limited to an officer named, or be extended to a person holding for the time being or performing the duties of the office, or be extended to the successors in command of such officer.

124. Any person tried by a court-martial shall be entitled, on demand, at any time in the case of a general court-martial within seven years, and in the case of any other court-martial within three years, after the confirmation of the finding and sentence of the court, to obtain from the officer or person having the custody of proceedings of such court a copy thereof, including the proceedings with respect to the revision and confirmation thereof, upon payment for the same at the prescribed rate, not exceeding twopence for every folio of seventy-two words, and for the purposes of this section the proceedings of courts-martial shall be preserved in the prescribed manner.

Right of person tried to copy of proceedings of court-martial.

125.—(1) Every person required to give evidence before a court-martial may be summoned or ordered to attend in the prescribed manner.

Summoning and privilege of witnesses at courts-martial.

(2) Every person attending in pursuance of such summons or order as a witness before any court-martial shall, during his necessary attendance in or on such court, and in going to and

Supplemental Provisions as to Courts-martial. returning from the same, have the same privilege from arrest as he would have if he were a witness before a superior court of civil jurisdiction.

Misconduct of
civilian at
court-martial.

126.—(1) Where any person who is not subject to this Act commits any of the following offences; that is to say,

(a) On being duly summoned as a witness before a court-martial, and after payment or tender of the reasonable expenses of his attendance, makes default in attending; or

(b) Being in attendance as a witness—

(i) Refuses to take an oath legally required by a court-martial to be taken; or

(ii) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or

(iii) Refuses to answer any question to which a court-martial may legally require an answer,

the president of the court-martial may certify the offence of such person under his hand to any court of law in the part of His Majesty's dominions where the offence is committed which has power to punish witnesses if guilty of like offences in that court, and that court may thereupon inquire into such alleged offence, and after examination of any witnesses that may be produced against or for the person so accused, and after hearing any statement that may be offered in defence, if it seem just, punish such witness in like manner as if he had committed such offence in a proceeding in that court.

(2) Where a person not subject to this Act when examined on oath or solemn declaration before a court-martial wilfully gives false evidence, he shall be liable on indictment or information to be convicted of and punished for the offence of perjury, or the offence by whatever name called in the part of His Majesty's dominions in which the offence is tried which, if committed in England, would be perjury.

(3) Where a person not subject to this Act is guilty of any contempt towards a court-martial, by using insulting or threatening language, or by causing any interruption or disturbance in its proceedings, or by printing observations or using words calculated to influence the members of or witnesses before such court, or to bring such court into disrepute, the president of the court-martial may certify the offence of such person, under his hand, to any court of law in the part of His Majesty's dominions where the offence is committed which has power to commit for contempt, and that court may thereupon inquire into such alleged offence, and after hearing any witnesses that may be produced against or on behalf of the person so accused, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of such person in like manner as if he had been guilty of contempt of that court.

127. A court-martial under this Act shall not, as respects the conduct of its proceedings, or the reception or rejection of evidence, or as respects any other matter or thing whatsoever, be subject to the provisions of the Indian Evidence Act, 1872, or to any Act, law, or ordinance of any legislature whatsoever other than the Parliament of the United Kingdom.

Supplemental Provisions as to Courts-martial.

Court-martial governed by English law only.

128. The rules of evidence to be adopted in proceedings before courts-martial shall be the same as those which are followed in civil courts in England, and no person shall be required to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court.

Rules of evidence to be the same as in civil courts.

129. Whereas it is expedient to make provision respecting the conduct of counsel when appearing on behalf of the prosecution or defence at courts-martial in pursuance of rules under this Act, be it therefore enacted as follows :—

Position of counsel at courts-martial.

(1) Any conduct of a counsel which would be liable to censure, or a contempt of court, if it took place before His Majesty's High Court of Justice in England, shall likewise be deemed liable to censure, or a contempt of court, in the case of a court-martial; and the rules laid down for the practice of courts-martial and the guidance of counsel shall be binding on counsel appearing before such courts-martial, and any wilful disobedience of such rules shall be professional misconduct, and, if persevered in, be deemed a contempt of court.

(2) Where a counsel is guilty of conduct liable to censure, or a contempt of court, such offence shall be deemed to be an offence within the meaning of section one hundred and twenty-six of this Act, and the president of the court-martial may certify the same to a court of law accordingly; and the court of law to which the same is certified shall deal with such offence in the same manner as if it had been committed in a proceeding before that court.

(3) A court-martial may, by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as may, in the opinion of the court-martial, require his removal from court, but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section.

130.—(1) Where it appears on the trial by court-martial of a person charged with an offence that such person is by reason of insanity unfit to take his trial, the court shall find specially that fact; and such person shall be kept in custody in the prescribed manner until the directions of His Majesty thereon are

Provision in case of insane persons.

*Supplemental
Provisions as
to Courts-
martial.*

known, or until any earlier time at which such person is fit to take his trial.

(2) Where on the trial by court-martial of a person charged with an offence it appears that such person committed the offence but that he was insane at the time of the commission thereof, the court shall find specially the fact of his insanity, and such person shall be kept in custody in the prescribed manner until the directions of His Majesty thereon are known.

(3) In either of the above cases His Majesty may give orders for the safe custody of such person during his pleasure, in such place and in such manner as His Majesty thinks fit.

(4) A finding under this section shall be subject to confirmation in like manner as any other finding.

(5) If a person imprisoned or undergoing detention by virtue of this Act becomes insane, then, without prejudice to any other provision for dealing with such insane person, a Secretary of State in any case, and in the case of a person confined in India, the Governor-General of India, or the Governor of any presidency in which the person is confined, and in the case of a person confined in a colony the Governor of that colony, may, upon a certificate of such insanity by two qualified medical practitioners, order the removal of such person to an asylum or other proper place for the reception of insane persons in the United Kingdom, India, or the colony, according as the person is confined in the United Kingdom, India, or the colony, there to remain for the unexpired term of his imprisonment or detention, and, upon such person being certified in the like manner to be again of sound mind, may order his removal to any prison or detention barrack in which he might have been confined if he had not become insane, there to undergo the remainder of such punishment.

Provided that this subsection shall not apply to a person imprisoned in England.

*General
Provisions as
to Prisons
and Detention
Barracks.*

Arrangements
with Indian
and colonial
governments
as to prisons.

General Provisions as to Prisons and Detention Barracks.

131.—(1) A Secretary of State may from time to time make arrangements with the Governor-General of India or the Governor of a colony for the reception in any prison in India or in such colony of prisoners under this Act, and of deserters or absentees without leave from His Majesty's service, on payment of such sums as are provided by the arrangement, and the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prison in the United Kingdom to receive and detain such prisoners, deserters, and absentees without leave.

(2) Provided that where a person has been sentenced in India or in a colony to a term of imprisonment or detention exceeding twelve months or to a term of penal servitude, he shall be transferred as soon as practicable to a prison or detention

barrack, or convict establishment within the United Kingdom, unless in the case of imprisonment or detention the court shall for special reasons otherwise order, there to undergo his sentence; or unless he belongs to a class with respect to which a Secretary of State has declared that, by reason of the climate or place of his birth or the place of his enlistment, or otherwise, it is not beneficial to the person to transfer him to the United Kingdom; every such declaration shall be laid before both Houses of Parliament.

(3) Any order which can be made under this section by the court may be made by the confirming authority in confirming the finding and sentence, and in the case of any commutation or remission of sentence may be made by the authority commuting or remitting the sentence.

132.—(1) The governor of every prison in the United Kingdom, and the governor of every prison in India or a colony who is under the same obligation as the governor of a prison in the United Kingdom, shall receive and confine, until discharged or delivered over in due course of law, all prisoners sent to such prison in pursuance of this Act, and every person delivered into his custody as a deserter or absentee without leave by any person conveying him under legal authority, on production of the warrant of a court of summary jurisdiction on which such deserter or absentee without leave has been taken or committed, or of some order from a Secretary of State, or from the Governor-General of India, or the Governor of a colony, which order shall continue in force until the deserter or absentee without leave has arrived at his destination.

(2) Every such governor shall also receive into his custody for a period not exceeding seven days any airman in air-force custody upon delivery to him of a written order purporting to be signed by the commanding officer of such airman.

(3) The provisions of this section with respect to the governor of a prison in the United Kingdom shall apply to a person having charge of any police station or other place in which prisoners may legally be confined.

*General
Provisions as
to Prisons
and Detention
Barracks.*

*Duty of
governor of
prison to
receive
prisoners,
deserters,
and absentees
without leave.*

Prisons and Detention Barracks.

*Prisons
and Detention
Barracks.*

133.—(1) It shall be lawful for a Secretary of State, and in India for the Governor-General, to set apart any building or part of a building under the control of the Secretary of State or Governor-General as an air-force prison or detention barrack, or as a public prison for the imprisonment of air-force prisoners and to declare that any such building or part of a building shall be an air-force prison or a detention barrack, or a public prison, as the case may be, and every air-force prison so declared shall be deemed to be a public prison within the

*Establish-
ment and
regulation of
air-force
prisons.*

*Prisons and
Detention
Barracks.*

meaning of the provisions of this Act relating to imprisonment, and if such prison is in India shall be deemed to be an authorised prison.

(2) It shall be lawful for a Secretary of State, and in India for the Governor-General, from time to time to make, alter, and repeal rules for the government, management, and regulation of air-force prisons and detention barracks, and for the appointment and removal and powers of inspectors, visitors, governors, and officers thereof, and for the labour of air-force or other prisoners and airmen undergoing detention therein, and for enabling such prisoners or airmen to earn, by special industry and good conduct, a remission of a portion of their sentence, and for the safe custody of such prisoners or airmen, and for the maintenance of discipline among them, and for the punishment by personal correction, restraint, or otherwise of offences committed by such prisoners or airmen, so, however, that such rules shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment or detention more severe than it is under the law in force for the time being in any public prison in England, subject to the Prison Act, 1877, and provided that all the regulations made under the Prison Act, 1898, as to the duties of gaolers and medical officers and all regulations contained in the Coroners Act, 1887, as to the duties of coroners with respect to inquests in prisons and detention barracks, shall be contained in such rules, so far as the same can be made applicable.

(3) On all occasions of death by violence or attended with suspicious circumstances in any air-force prison or detention barrack in India an inquest is to be held, to make inquiry into the cause of death. The commanding officer shall cause notice to be given to the nearest magistrate, duly authorised to hold inquests, and such magistrate shall hold an inquest into the cause of any such death, in the manner and with the powers provided in the case of similar inquiries held under the law for the time being in force in India for regulating criminal procedure.

(4) Where from any cause there is no competent civil authority available, the commanding officer shall convene a court of inquest. Such court shall be convened and shall hold the inquest in such manner as may be prescribed.

(5) Such rules may apply to such prisons and detention barracks any enactments of the Prison Act, 1865, imposing punishments on any persons not prisoners.

28 & 29 Vict.
c. 126.

(6) All rules made by a Secretary of State in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, as soon as practicable after the commencement of the then next session of Parliament.

(7) In any country in which operations against the enemy are being conducted, the powers of a Secretary of State under this section with respect to air-force prisons and detention barracks shall be exercisable by the officer commanding-in-chief in the field whether such officer is an air-force, military or naval officer, and shall include a power of declaring any place to be an air-force prison or a detention barrack, and the limitations on the power of making rules as to the punishment of prisoners and airmen undergoing detention and as to the severity of imprisonment and detention shall not apply: Provided that nothing in this subsection, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence.

*Prisons and
Detention
Barracks.*

134. No airmen shall be confined longer than is absolutely necessary in prisons, other than air-force prisons, in India and the colonies, where the rules for the government and management of such prisons differ from those made by the Governor-General of India and a Secretary of State in the case of India and the colonies respectively.

*Restrictions
on confine-
ment in
prisons in
India or colo-
nies, not being
air-force
prisons.*

135. Whereas it is expedient that a clear difference should be made between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, or sentenced to be discharged from the air service with ignominy, a Secretary of State shall from time to time make rules for the classification and treatment of such prisoners.

*Classification
of prisoners.*

Pay.

Pay.

136. The pay of an officer or airman of His Majesty's regular air force shall be paid without any deduction other than the deductions authorised by this or any other Act or by any Royal Warrant for the time being, or by any law passed by the Governor-General of India in Council.

*Authorised
deductions
only to be
made from
pay.*

137. The following penal deductions may be made from the ordinary pay due to an officer of the regular air force :—

*Penal stop-
pages from
ordinary pay
of officers.*

(1) All ordinary pay due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted him, unless a satisfactory explanation has been given through the commanding officer of such officer, and has been approved by the Air Council :

(2) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned

Pay.

by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence :

- (3) The sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay :
- (4) The sum required to make good any loss, damage, or destruction of public property which, after due investigation, appears to the Air Council, or in the case of officers serving in India the Governor-General, to have been occasioned by any wrongful act or negligence on the part of the officer : Provided that where deductions have been so made from the pay of an officer serving in India the case shall, if he so require, be reported to the Secretary of State for India in Council, who may make such order thereon as he thinks fit.

Penal stop-
pages from
ordinary pay
of airmen.

138. The following penal deductions may be made from the ordinary pay due to an airman of the regular air force :—

- (1) All ordinary pay for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of imprisonment awarded by a civil court or court-martial, or, if he is on board one of His Majesty's ships, by the commanding officer of that ship, for every day of detention or field punishment awarded by a court-martial or by his commanding officer, and for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a civil court or court-martial, or on a charge of absence without leave for which he is afterwards awarded detention or field punishment by his commanding officer :
- (2) All ordinary pay for every day on which he is in hospital on account of sickness certified by the proper medical officer attending on him at the hospital to have been caused by an offence under this Act committed by him :
- (3) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence, or if he is on board one of His Majesty's ships, by the commanding officer of that ship, or where he has confessed the offence and his trial is dispensed with by order under section seventy-three of this Act as may be awarded by that order or by any other order of a competent air-force authority under that section :

Pay.

- (4) The sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any aircraft or any part thereof, or any arms, ammunition, aircraft material or any other equipment, clothing, instruments, or service necessities or air-force decoration, or to any buildings or property, as may be awarded by his commanding officer, or, in case he requires to be tried by a court-martial, by that court-martial, or if he is on board one of His Majesty's ships, by the commanding officer of that ship :
- (5) Where an airman at the time of his enlistment belonged to any part of the auxiliary air force, the sum required to make good any compensation for which at the time of his enlistment he was under stoppage of pay as a member of the auxiliary air force, and any sum which he is liable to pay by reason of his quitting the said part of the auxiliary air force upon his enlistment :
- (6) Where an airman's liquor ration is stopped by his commanding officer on board any ship, whether commissioned by His Majesty or not, the sum equivalent to such ration, whether previously drawn by the airman or not, not exceeding one penny a day for twenty-eight days :
- (7) The sum required to pay a fine awarded by a court-martial, his commanding officer, or a civil court ; and
- (8) The sum required to pay any sum ordered by the Air Council, or any officer deputed by them for the purpose, to be paid as mentioned in this Act for the maintenance of his wife or child, or of any bastard child, or towards the cost of any relief given by way of loan to his wife or child :

Provided that—

- (a) the total amount of deductions from the ordinary pay due to an airman in respect of the sums required to pay any compensation, fine, or sum awarded or ordered to be paid as aforesaid shall not exceed such sum as will leave to the airman, after paying for his messing and washing, less than one penny a day ; and
- (b) a person shall not be subjected in respect of any compensation, fine, or sum awarded or ordered to be paid as aforesaid to any deductions greater than is sufficient to make good the expenses, loss, damage, or destruction for which such compensation is awarded, or to pay the said sum ; and

Pay.

- (c) where an airman who is sentenced or ordered in respect of an offence on active service to forfeit all ordinary pay is liable to any other penal deductions from pay, the sentence or order shall apply only to so much of his ordinary pay as remains after those other deductions have been made.

How deduction of pay may be remitted.

139. Any deduction of pay authorised by this Act may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Air Council.

Supplemental as to deductions from ordinary pay.

140.—(1) Any sum authorised by this Act to be deducted from the ordinary pay of an officer or airman may, without prejudice to any other mode of recovering the same, be deducted from the ordinary pay or from any sums due to such officer or man, in such manner, and when deducted or recovered may be appropriated in such manner, as may be from time to time directed by any regulation or order of the Air Council.

(2) And any such regulation or order may from time to time declare what shall be deemed for the purposes of the provisions of this Act relating to deductions from pay to constitute a day of absence or a day of imprisonment or detention, so, however, that no time shall be so reckoned as a day unless the absence or imprisonment or detention has lasted for six hours or upwards, whether wholly in one day or partly in one day and partly in another, or unless such absence prevented the absentee from fulfilling any air-force duty which was thereby thrown upon some other person.

(3) In cases of doubt as to the proper issue of pay or the proper deduction from pay due to any officer or airman, the pay may be withheld until His Majesty's order respecting it has been signified through a Secretary of State, which order shall be final.

Prohibition of assignment of pay, pensions, &c.

141. Every assignment of, and every charge on, and every agreement to assign or charge, any deferred pay, or air-force reward payable to any officer or airman of any of His Majesty's forces, or any pension, allowance, or relief payable to any such officer or airman, or his wife, widow, child, or other dependant, or to any person in respect of any air-force service, shall, except so far as the same is made in pursuance of a Royal Warrant for the benefit of the family of the person entitled thereto, or as may be authorised by any Act for the time being in force, be void.

Punishment of false oath and personation.

142.—(1) Where any regulations made by the Air Council or the Commissioners of His Majesty's Treasury, with respect to the payment of any air-force reward, pension, or allowance,

or any sum payable in respect of air-force service, or with respect to the payment of money or delivery of property in the possession of the air-force authorities, provide for proving, whether on oath or by statutory declaration, the identity of the recipient or any other matter in connexion with such payment, such oath may be administered and declaration taken by the persons specified in the regulations, and any person who in such oath or declaration wilfully makes any false statement shall be liable to the punishment of perjury.

Pay.

(2) Any person who falsely represents himself to any air-force, military, naval, or civil authority to belong to, or to be a particular man in, the regular reserve or auxiliary air force shall be deemed to be guilty of personation.

(3) Any person who is guilty of an offence under the False Personation Act, 1874, in relation to any air-force pay, reward, pension, or allowance, or to any sum payable in respect of air-force service, or to any money or property in the possession of the air-force authorities, or is guilty of personation under this section, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds.

37 & 38 Vict.
c. 36.

(4) Provided that nothing in this section shall prevent any person from being proceeded against and punished under any other enactment or at common law in respect of any offence, so that he be not punished twice for the same offence.

Exemptions of Officers and Airmen.

143.—(1) All officers and airmen of His Majesty's regular air force on duty or on the march; and

Their horses and baggage; and

All prisoners under air-force escort; and

All carriages and horses belonging to His Majesty or employed in his air-force service, when conveying any such persons as above in this section mentioned, or baggage or stores, or returning from conveying the same,

shall be exempted from payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other road or bridge, otherwise demandable by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, Ordinance, order, or direction of the legislature or other authority in India or any colony.

Provided that nothing in this section shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels.

*Exemptions of
Officers and
Airmen.*

Exemptions
of officers and
airmen from
tolls.

*Exemptions of
Officers and
Airmen.*

(2) When any airmen have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may, at his option, pass over with his airmen as passengers, and shall pay for himself and each airman one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time and shall in all such cases pay only half the ordinary rate for such boat.

(3) Any person who demands and receives any duty, toll, or rate in contravention of this section shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

*Exemption of
airmen in
respect of civil
process.*

144.—(1) An airman of His Majesty's regular air force shall not be liable to be taken out of His Majesty's service by any process, execution, or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of the following matters, or one of them; that is to say,

- (a) On account of a charge of or conviction for crime; or
- (b) On account of any debt, damages, or sum of money, when the amount exceeds thirty pounds over and above all costs of suit.

(2) For the purposes of this section a crime shall mean a felony, misdemeanor, or other crime or offence punishable according to the law in force in that part of His Majesty's dominions in which such airman is, with fine or imprisonment or some greater punishment, and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his contract.

(3) For the purposes of this section a court of law shall be deemed to include a court of summary jurisdiction and any magistrate.

(4) The amount of the debt, damages, or sum shall be proved for the purpose of any process issued before the court has adjudicated on the case by an affidavit of the person seeking to recover the same or of some one on his behalf, and such affidavit shall be sworn, without payment of any fee, in the manner in which affidavits are sworn in the court in which proceedings are taken for the recovery of the sum, and a memorandum of such affidavit shall, without fee, be indorsed upon any process or order issued against an airman.

(5) All proceedings and documents in or incidental to a process, execution, or order in contravention of this section shall be void; and where complaint is made by an airman or his commanding officer that such airman is dealt with in contravention of this section by any process, execution, or order issued out of any court, and is made to that court or to any court

superior to it, the court or some judge thereof shall examine into the complaint, and shall, if necessary, discharge such airman without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in any action or other proceeding in such court.

*Exemptions of
Officers and
Airmen.*

Provided that—

- (1) Any person having cause of action or suit against an airman of the regular air force may notwithstanding anything in this section, after due notice in writing given to the airman, or left at his last quarters, proceed in such action or suit to judgment, and have execution other than against the person, pay, arms, ammunition, equipments, service necessities, or clothing of such airman; and
- (2) This section shall not prevent such proceedings with respect to apprentices and indentured labourers as is authorised by this Act.

145.—(1) An airman of the regular air force shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not an airman; but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person, pay, arms, ammunition, equipments, instruments, service necessities, or clothing; nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving her or them chargeable to any union, parish, or place.

*Liability of
airmen to
maintain wife
and children.*

(2) When any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes an airman of the regular air force either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to the Air Council, or any officer deputed by them for the purpose, and in the case—

- (a) Of such order or decree being so sent; or
- (b) Of it appearing to the satisfaction of the Air Council or any officer deputed by them for the purpose that an airman of the regular air force has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under sixteen years of age,

the Air Council or officer shall order to be deducted from the daily pay of the airman, and to be appropriated in liqui-

*Exemptions of
Officers and
Airmen.*

of the sum adjudged to be paid by such order or decree, or towards the maintenance of the wife or children of the airman, as the case may be, in such manner as the Air Council or officer think or thinks fit, a portion of such daily pay not exceeding—

where the airman is a warrant officer (Class I.) not holding an honorary commission—in respect of a wife or children one shilling and sixpence, and in respect of a bastard child, one shilling;

where the airman is a warrant officer (Class II.) not holding an honorary commission, or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children, one shilling, and in respect of a bastard child, sevenpence;

in the case of any other airman—in respect of a wife or children, sixpence, and in respect of a bastard child, fourpence.

(3) Where a proceeding is instituted against an airman of the regular air force under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, and such airman is quartered out of the jurisdiction of the court, or, if the proceeding is before a court of summary jurisdiction, out of the petty sessional division in which the proceeding is instituted, the process shall be served on the commanding officer of such airman, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if made against the airman) sufficient to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose; and no process whatever under any Act or at common law in any proceeding in this section mentioned shall be valid against an airman of the regular air force if served after such airman is under orders for service beyond the seas.

Where, by an order or decree sent to the Air Council or officer in accordance with subsection (2) of this section, the airman is adjudged to pay as costs incurred in obtaining the order or decree any sum left in the hands of the commanding officer under this subsection, the Air Council may cause a sum equal to the sum so left to be paid in liquidation of the sum so adjudged to be paid as costs, and the amount so paid by the Air Council shall be a public debt from the airman against whom the order or decree was made, and, without prejudice to any other method of recovery, may be recovered by deductions from his daily pay, in addition to those mentioned in subsection (2) of this section.

146. An officer of the regular air force on the active list within the meaning of any Royal Warrant for regulating the pay and promotion of the regular air force shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor or alderman of, or to hold any office in, any municipal corporation in any city, borough, or place in the United Kingdom: Provided that nothing in this section shall disqualify any officer for being elected to or being a member of a county council.

Exemptions of Officers and Airmen.

Officers not to be sheriffs or mayors.

147. Every airman in His Majesty's regular air force shall be exempt from serving on any jury.

Exemption from jury.

Legal Penalties in Matters respecting Forces.

152. Any person who falsely represents himself to any air force, military, naval, or civil authority to be a deserter from His Majesty's regular air force shall on summary conviction be sentenced to be imprisoned, with or without hard labour, for any period not exceeding three months.

Legal Penalties in Matters respecting Forces.

Punishment for pretending to be a deserter.

153. Any person who in the United Kingdom or elsewhere by any means whatsoever—

Punishment for inducing airmen to desert.

- (1) Procures or persuades any airman to desert, or attempts to procure or persuade any airman to desert; or
- (2) Knowing that an airman is about to desert, aids or assists him in deserting; or
- (3) Knowing any airman to be a deserter, conceals such airman, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for a term not exceeding six months.

154. With respect to deserters and absentees without leave the following provisions shall have effect:—

Apprehension of deserters.

- (1) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or airman or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction:
- (2) A justice of the peace, magistrate, or other person having authority to issue a warrant for the apprehension of a person charged with crime may, if satisfied by evidence on oath that a deserter or absentee without leave is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter or absentee without leave to be apprehended and brought forthwith before a court of summary jurisdiction:
- (3) Where a person is brought before a court of summary jurisdiction charged with being a deserter or absentee

without leave under this Act, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence, or in Scotland an offence :

- (4) The court, if satisfied either by evidence on oath or by the confession of such person that he is a deserter or absentee without leave, shall forthwith, as it may seem to the court most expedient with regard to his safe custody, cause him either to be delivered into air-force custody in such manner as the court may deem most expedient, or, until he can be so delivered, to be committed to some prison, police station, or other place legally provided for the confinement of persons in custody, for such reasonable time as appears to the court reasonably necessary for the purpose of delivering him into air-force custody :
- (5) Where the person confessed himself to be a deserter or absentee without leave, and evidence of the truth or falsehood of such confession is not then forthcoming, the court shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the court shall transmit, if sitting in the United Kingdom, to the Air Council, or as they may direct, and if in India to the general or other officer commanding the air force in the * * district or station where the court sits, and if in a colony to the general or other officer commanding the air force in that colony, a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the Fourth Schedule to this Act, or as may be from time to time directed by the Air Council :
- (6) The court may from time to time remand the said person for a period not exceeding eight days in each instance and not exceeding in the whole such period as appears to the court reasonably necessary for the purpose of obtaining the said information :
- (7) Where the court cause a person either to be delivered into air-force custody or to be committed as a deserter or absentee without leave, the court shall send, if in the United Kingdom, to the Air Council, or as they may direct, and if in India or a colony, to the general or other officer commanding as aforesaid, a descriptive return in relation to such deserter or absentee without leave, for which the clerk of the court shall be entitled to a fee of two shillings :
- (8) The Air Council shall direct payment of the said fee.

*Legal
Penalties in
Matters
respecting
Forces.*

- (9) Where a person surrenders himself to a constable in the United Kingdom as being a deserter or absentee without leave, the officer of police in charge of the police station to which he is brought shall forthwith inquire into the case, and if it appears to him from the confession of that person that that person is a deserter or absentee without leave, he may cause him to be delivered into air-force custody without bringing him before a court of summary jurisdiction under this section, and in such case shall send to the Air Council or as they may direct a certificate signed by himself as to the fact, date, and place of such surrender.

155. Every person * * * who negotiates, acts as agent for, or otherwise aids or connives at— Penalty on trafficking in commissions.

- (1) The sale or purchase of any commission in His Majesty's regular air force; or
- (2) The giving or receiving of any valuable consideration in respect of any promotion in or retirement from such force, or any employment therein; or
- (3) Any exchange which is made in manner not authorised by regulations made in pursuance of the Regimental Exchanges Act, 1875, as applied to the air force, and in respect of which any sum of money or other consideration is given or received, 38 & 39 Vict. c. 16.

shall be liable on conviction on indictment or information to a fine of one hundred pounds, or to imprisonment for any period not exceeding six months, and if an officer, on conviction by court-martial, to be dismissed the service.

156.—(1) Every person who—

Penalty on purchasing from airmen necessities, equipments, stores, &c.

- (a) Buys, exchanges, takes in pawn, detains, or receives from an officer or airman, or any person acting on his behalf, on any pretence whatsoever; or
- (b) Solicits or entices an officer or airman to sell, exchange, pawn, or give away; or
- (c) Assists or acts for an officer or airman in selling, exchanging, pawning, or making away with,

any of the property following; namely, any arms, ammunition, equipments, instruments, service necessities, or clothing, or any air-force naval or military decorations of an officer or airman, or any furniture, bedding, blankets, sheets, utensils, and stores in the charge of a unit of the air-force, or any provisions or forage issued for the use of an officer or airman, or his horse, or of any horse employed in His Majesty's service, shall, unless he proves either that he acted in ignorance of the same being such property as aforesaid, or of the person with whom he dealt being or acting for an airman, or that the same was sold by order of the Air Council or some competent air-force authority,

be liable on summary conviction in the case of the first offence, to a fine not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence; and in the case of a second offence to a fine not less than five pounds, and not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence, or to imprisonment, with or without hard labour, for a term not exceeding six months.

(2) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a court of summary jurisdiction, and if such court have reasonable ground to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained or received in contravention of this section, then if such person does not satisfy the court that he came by the property so found lawfully and without any contravention of this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) A person charged with an offence against this section, and the wife or husband of such person, may, if he or she think fit, be sworn and examined as an ordinary witness in the case.

(4) A person found committing an offence against this section may be apprehended without warrant, and taken, together with the property which is the subject of the offence, before a court of summary jurisdiction; and any person to whom any such property as above mentioned is offered to be sold, pawned, or delivered, who has reasonable cause to suppose that the same is offered in contravention of this section, may, and if he has the power shall, apprehend the person offering such property, and forthwith take him, together with such property, before a court of summary jurisdiction.

(5) A court of summary jurisdiction, if satisfied on oath that there is reasonable cause to suspect that any person has in his possession, or on his premises, any property on or with respect to which any offence in this section mentioned has been committed, may grant a warrant to search for such property, as in the case of stolen goods; and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall being the person in whose possession the same is found before some court of summary jurisdiction, to be dealt with according to law.

(6) For the purposes of this section, property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another.

(7) Articles which are public stores within the meaning of the Public Stores Act, 1875, and are not included in the foregoing description, shall not be deemed to be stores issued as service necessities or otherwise within the meaning of section thirteen of that Act.

*Legal
Penalties in
Matters
respecting
Forces.*
38 & 39 Vict.
c. 25.

(8) It shall be lawful for the Governor-General of India or for the legislature of any colony, on the recommendation of the Governor thereof, but not otherwise, by any law or ordinance to reduce a minimum fine under this section to such amount as may to such Governor-General or legislature appear to be better adapted to the pecuniary means of the inhabitants.

(9) Every person who receives, detains, or has in his possession the identity certificate or life certificate of a person entitled to an air-force pension or to reserve pay or to any bounty allowance or relief as a pledge or security for a debt, or with a view to obtain payment from the pensioner or person entitled to the pay or bounty allowance or relief of a debt due either to himself or to any other person, shall be liable on summary conviction to the like penalty as for an offence under subsection one of this section, and the certificate shall be deemed to be property within the meaning of this section.

Jurisdiction.

157. Where a person subject to this Act has been acquitted or convicted of an offence by a court-martial, he shall not be liable to be tried again by a court-martial in respect of that offence.

Jurisdiction
Person not to
be tried twice.

158.—(1) Where an offence under this Act has been committed by any person while subject to this Act, such person may be taken into and kept in air-force custody, and tried and punished for such offence, although he, or the corps or unit to which he belongs, has ceased to be subject to this Act, in like manner as he might have been taken into and kept in air-force custody, tried or punished, if he or such corps or unit had continued so subject :

Liability to
Act in respect
of status.

Provided that where a person has since the commission of an offence ceased to be subject to this Act, he shall not be tried for such offence, except in the case of the offence of mutiny, desertion, or fraudulent enlistment, unless his trial commences within three months after he had ceased to be subject to this Act; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court-martial.

(2) Where a person subject to this Act is sentenced by court-martial to penal servitude, imprisonment, or detention, this Act shall apply to him during the term of his sentence,

Jurisdiction. notwithstanding that he is discharged or dismissed from His Majesty's service, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned, made to undergo detention, and punished accordingly as if he continued to be subject to this Act.

Liability to Act in respect of place of commission of offence.

159. Any person subject to this Act who within or without His Majesty's dominions commits any offence for which he is liable to be tried by court-martial, may be tried and punished for such offence at any place (either within or without His Majesty's dominions) which is within the jurisdiction of an officer authorised to convene general courts-martial, and in which the offender may for the time being be, in the same manner as if the offence had been committed where the trial by court-martial takes place, and the offender were under the command of the officer convening such court-martial.

Punishment not increased by trial elsewhere than offence committed.

160. No person shall be subject to any punishment or penalties under the provisions of this Act other than those which could have been inflicted if he had been tried in the place where the offence was committed.

Liability to Act in respect of time for trial of offences.

161. A person shall not in pursuance of this Act be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as by court-martial; and where an airman has served continuously in an exemplary manner for not less than three years in any corps or unit of His Majesty's regular air force he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment all service prior to such enlistment shall be forfeited: Provided that the Air Council may restore all or any part of the service forfeited under this section to any airman who may perform good or faithful service or may otherwise be deemed by the Air Council to merit such restoration of service.

Adjustment of law under Act, and civil law.

162.—(1) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a civil court for the same offence, that court shall, in awarding punishment, have regard to the * * * punishment under this Act he may have already undergone.

(2) Save as aforesaid, nothing in this Act shall exempt an officer or airman from being proceeded against by the ordinary course of law, when accused or convicted of any offence, except

such an offence as is declared not to be a crime for the purpose of the provisions of this Act relating to taking an airman out of His Majesty's service. *Jurisdiction.*

(3) If an officer—

(a) Neglects or refuses on application to deliver over to the civil magistrate any officer or airman under his command, who is so accused or convicted as aforesaid; or

(b) Wilfully obstructs or neglects or refuses to assist constables or other ministers of justice in apprehending any such officer or airman,

such commanding officer shall, on conviction in any of His Majesty's superior courts in the United Kingdom, or in a supreme court in India, be guilty of a misdemeanor.

(4) A certificate of a conviction of an officer under this section, with the judgment of the court thereon in such form as may be directed by the Air Council, shall be transmitted to the Air Council.

(5) Any offence committed by any such commanding officer out of the United Kingdom shall, for the purposes of the apprehension, trial and punishment of the offender, be deemed to have been committed within the jurisdiction of His Majesty's High Court of Justice in England; and such court shall have jurisdiction as if the place where the offence was committed or the offender may for the time being be were in England.

(6) Where a person subject to this Act has been acquitted or convicted of an offence by a competent civil court, he shall not be liable to be tried in respect of that offence under this Act.

Evidence.

Evidence.

163.—(1) The following enactments shall be made with respect to evidence in proceedings under this Act, whether before a civil court or a court-martial; that is to say, *Regulations as to evidence.*

(a) The attestation paper purporting to be signed by a person on his being attested as an airman, or the declaration purporting to be made by any person upon his re-engagement in any of His Majesty's regular air force, or upon any enrolment in any branch of his Majesty's service, shall be evidence of such person having given the answers to questions which he is therein represented as having given :

The enlistment of a person in His Majesty's air service may be proved by the production of a copy of his attestation paper purporting to be certified to be a true copy by the officer having the custody of the attestation paper without proof of the handwriting of such officer, or of his having the custody of the paper :

Evidence.

- (b) A letter, return, or other document respecting the service of any person in, or the discharge of any person from, any portion of His Majesty's forces, or respecting a person not having served in or belonged to any portion of His Majesty's forces, if purporting to be signed by or on behalf of a Secretary of State or the Air Council, or the Army Council, or of the Commissioners of the Admiralty, or by the commanding officer of any portion of His Majesty's forces, or of any of His Majesty's ships, to which such person appears to have belonged, or alleges that he belongs or had belonged, shall be evidence of the facts stated in such letter, return, or other document :
- (c) Copies purporting to be printed by a Government printer of King's regulations, or regulations referred to in section one hundred and forty-two of this Act of royal warrants, of air-force circulars or orders, and of rules made by His Majesty, or a Secretary of State or the Air Council, in pursuance of this Act, shall be evidence of such regulations, royal warrants, air-force circulars or orders, and rules :
- (d) An air-force list or gazette purporting to be published by authority, and either to be printed by a Government printer or to be issued, if in the United Kingdom, by His Majesty's Stationery Office, and if in India, by some office under the Governor-General of India or the Governor of any presidency in India, shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by such officers, and of the corps or unit or arm or branch of the service to which such officers belong :
- (e) Any warrants or orders made in pursuance of this Act by any air-force authority shall be deemed to be evidence of the matters and things therein directed to be stated by or in pursuance of this Act, and any copies of such warrants or orders purporting to be certified to be true copies by the officer therein alleged to be authorised by a Secretary of State or the Air Council to certify the same shall be admissible in evidence :
- (g) Where a record is made in one of the service books in pursuance of any Act or of the King's regulations, or otherwise in pursuance of air-force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated :
- (h) A copy of any record in one of the said service books purporting to be certified to be a true copy by the

officer having the custody of such book shall be evidence of such record : *Evidence.*

(i) A descriptive return within the meaning of this Act, purporting to be signed by a justice of the peace, shall be evidence of the matters therein stated.

(j) Where the proceedings are proceedings against an officer or airman on a charge of being a deserter or absentee without leave, and the officer or airman has surrendered himself into the custody of a provost marshal, assistant provost marshal, or other officer, or any portion of His Majesty's forces, a certificate purporting to have been signed by such provost marshal, assistant provost marshal, or other officer, or by the commanding officer of the portion of His Majesty's forces to whom the surrender or by whom the arrest was made, and stating the fact, date, and place of such surrender or arrest shall be evidence of the matters so stated.

(2) For the purposes of this Act the expression "Government printer" means any printer to His Majesty, and in India any Government press.

164. Whenever any person subject to this Act has been tried by any civil court, the clerk of such court or his deputy, or other officer having the custody of the records of such court, shall, if required by the commanding officer of such person, or by any other officer, transmit to him a certificate setting forth the offence for which the person was tried, together with the judgment or order of the court thereon, or if he was acquitted, the acquittal, and shall be allowed for such certificate a fee of three shillings. Any such certificate shall be sufficient evidence of the conviction and sentence or of the order of the court or of the acquittal of the prisoner, as the case may be. *Evidence of civil conviction or acquittal.*

165. The original proceedings of a court-martial, purporting to be signed by the president thereof, and being in the custody * * * of the officer having the lawful custody thereof, shall be deemed to be of such a public nature as to be admissible in evidence on their mere production from such custody; and any copy purporting to be certified by * * * the officer having such custody as aforesaid, to be a true copy of such proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of such * * * officer; and a Secretary of State upon production of any such proceedings or certified copy, may, by warrant under his hand, authorise the offender appearing therefrom to have been convicted and sentenced to any punishment, to be imprisoned and otherwise dealt with in accordance with the sentence in the proceedings or certified copy mentioned. *Evidence of conviction by court-martial.*

*Summary and
other Legal
Proceedings.*

Prosecution
of offences,
and recovery
and applica-
tion of fines.

Summary and other Legal Proceedings.

166.—(1) A court of summary jurisdiction having jurisdiction in the place where the offence was committed or in the place where the offender may for the time being be shall have jurisdiction over all offences triable in a civil court under this Act, except any such offence as is declared by this Act to be a misdemeanor, or to be punishable on indictment; and any offence within the jurisdiction of a court of summary jurisdiction may be prosecuted, and the fine and forfeiture in respect thereof may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Acts.

(2) Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts so far as applicable.

(3) A court of summary jurisdiction imposing a fine in pursuance of this Act may, if it seem fit, order a portion of such fine not exceeding one half to be paid to the informer.

(4) Where the maximum fine or imprisonment which a court of summary jurisdiction in England, when sitting in an occasional courthouse, is authorised by law to impose is less than the minimum fine or imprisonment fixed by this Act, the court may impose the maximum fine or imprisonment which such court is authorised by law to impose, but if required by either party, shall adjourn the case to the next practical petty sessional court.

(5) The court of summary jurisdiction in Ireland, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

(6) Subject to the provisions of this Act with regard to the payment to the informer, fines and other sums recovered before a court of summary jurisdiction in pursuance of this Act shall, notwithstanding anything contained in any other Act if recovered in England, be paid into the Exchequer, and if recovered in Ireland, shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Acts amending the same.

14 & 15 Vict.
c. 90.

Summary
proceedings in
Scotland.

167.—(1) In Scotland, offences and fines which may be prosecuted and recovered on summary conviction may be prosecuted and recovered and proceedings under this Act may be taken at the instance of the procurator fiscal of the court, or of any person in that behalf authorised by the Air Council, or of any person authorised by this Act to complain.

(2) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months, and the conviction and warrant may be in the form number three of Schedule K. of the Summary Procedure Act, 1864.

Summary and other Legal Proceedings.

27 & 28 Vict.
c. 53.

(3) All fines and other sums recovered under this Act before a court of summary jurisdiction, subject to any payment made to the informer, shall be paid to the King's and Lord Treasurer's Remembrancer, on behalf of His Majesty.

(4) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such person.

(5) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction.

(6) All jurisdictions, powers, and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace.

(7) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by the procurator fiscal of the court, or such person as aforesaid, presented in common form.

168. All offences under this Act which may be prosecuted, and all fines under this Act which may be recovered on summary conviction, and all proceedings under this Act which may be taken before a court of summary jurisdiction, may be prosecuted and recovered and taken in the Isle of Man, Channel Islands, India, and any colony in such courts and in such manner as may be from time to time provided therein by law, or if no express provision is made, then in and before the courts and in the manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law or as near thereto as circumstances admit.

Summary proceedings in Isle of Man, Channel Islands, India and the colonies.

169. It shall be lawful for the Governor-General of India, and for the legislature of any colony, to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor-General or legislature to be better adapted to the pecuniary means of the inhabitants, and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act.

Power of Governor-General of India and legislature of colony as to fines.

170.—(1) Any action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or

Protection of persons acting under Act.

*Summary and
other Legal
Proceedings.*

be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of His Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India, or in any Colonial court of superior jurisdiction, provided the matter complained of occurred within the jurisdiction of such Indian or Colonial court respectively, and in no other court whatsoever.

Miscellaneous.

Miscellaneous.

Exercise of
powers vested
in holder of
office.

171. Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any air-force office may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service, or according to rules made under section seventy of this Act.

Provisions as
to warrants
and orders of
authorities.

172.—(1) Where any order is authorised by this Act to be made by the Air Council * * * or by any general or other officer commanding, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of the Air Council or such * * * general or other officer commanding, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised.

(2) The foregoing enactment of this section shall extend to any order or direction issued in pursuance of this Act in relation to an air-force convict or air-force prisoner or airman undergoing detention, and any such order or directions shall not be held void by reason of the death or removal from office of the officer signing or ordering the issue of the same, or by reason of any defect in such order or directions, if it be alleged in such

order or directions that the convict or prisoner or airman has been convicted, and there is a good and valid conviction to sustain the order or directions. *Miscellaneous.*

(3) An order in any case if issued in the prescribed form shall be valid, but an order deviating from the prescribed form if otherwise valid shall not be rendered invalid by reason only of such deviation.

(4) Where any air-force convict or air-force prisoner or airman undergoing detention is for the time being in custody, whether air-force or civil, in any place or manner in which he might legally be kept in pursuance of this Act, the custody of such convict or prisoner or airman shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant, or other document, or the authority by or in pursuance whereof such convict or prisoner or airman was brought into or is detained in such custody, and any such order, warrant, or document may be amended accordingly.

(5) Where an air-force convict, or an air-force prisoner, or an airman undergoing detention, or a person who is subject to this Act and charged with an offence, is a prisoner or airman in air-force custody, and for the purpose of conveyance by sea is delivered on board a ship to the person in command of the ship or to any other person on board the ship acting under the authority of the commander, the order of the air-force authority which authorises the prisoner or airman to be conveyed by sea shall be a sufficient authority to such person, and to the person for the time being in command of the ship, to keep the said prisoner or airman in custody and convey him in accordance with the order, and the prisoner or airman while so kept shall be deemed to be kept in air-force custody.

173. If any airman on furlough is detained by sickness or other casualty rendering necessary any extension of such furlough in any place, and there is not any officer in the performance of military duty of the rank of captain, or of higher rank, within convenient distance of the place, any justice of the peace who is satisfied of such necessity may grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of such airman, if known, and if not, then to the Air Council. The airman may be recalled to duty by his commanding officer or other competent air-force authority, and the furlough shall not be deemed to be extended after such recall; but, save as aforesaid, the airman shall not in respect of the period of such extension of furlough, be liable to be treated as a deserter, or as absent without leave. *Furlough in case of sickness.*

Miscellaneous.
Licences of
canteens.

174.—(1) When a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any two justices within their respective jurisdictions to grant, transfer, or renew any licence for the time being required to enable such person to obtain or hold any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices, certificates, or otherwise, of any Acts for the time being in force affecting such licences; and excise licences may be granted to such persons accordingly.

(2) For the purposes of this section the expression licence includes any licence or certificate for the time being required by law to be granted, renewed, or transferred by any justices of the peace, in order to enable any person to obtain or hold any excise licence for the sale of any intoxicating liquor.

52 Vict. c. 3.
Use of recrea-
tion rooms
without
licence.
25 Geo. 2.
c. 36.
6 & 7 Vict.
c. 68.

174A. Notwithstanding anything in the Disorderly Houses Act, 1751, or in the Theatres Act, 1843, where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

PART V.

APPLICATION OF THIS ACT, SAVING PROVISIONS, AND DEFINITIONS.

*Persons
subject to Act.*

Persons sub-
ject to Act as
officers.

Persons subject to Act.

175. The persons in this section mentioned are persons subject to this Act as officers, and this Act shall apply accordingly to all the persons so specified; that is to say,

(1) Officers of the regular air force on the active list, within the meaning of any Royal Warrant for regulating the pay and promotion of the regular air force, and officers not on such active list who are employed on air-force service under the orders of an officer of the regular air force, who is subject to this Act :

(1A) Any officer of the naval or military forces of the Crown who is attached, or lent to, or seconded for service with the air force, subject, however to the modifications contained in this Act and with this exception, that if the members of the body of the air force with which any such naval officer is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act.

*Persons
subject to Act.*

- (2) Officers who are members of the permanent staff of the auxiliary air force and are not otherwise subject to this Act :
- (3) * * * *
- (3A) Officers of the auxiliary air force other than members of the permanent staff.
- (4) All such persons not otherwise subject to this Act as may be serving in the position of officers of any air force or portion of an air force raised by order of His Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular air force :
- Provided that nothing in this Act shall affect the application to such persons of any Act passed by the legislature of a colony :
- (5) * * * *
- (6) * * * *
- (7) Every person not otherwise subject to this Act who, under the general or special orders of the Air Council or of the Governor-General of India, accompanies in an official capacity equivalent to that of officer of * * * His Majesty's air force on active service in any place, * * * :
- (8) Any person, not otherwise subject to this Act, accompanying any part of the air force on active service, who shall hold from the commanding officer of such force, a pass, revocable at the pleasure of such commanding officer, entitling such person to be treated on the footing of an officer :
- (9) * * * *
- (10) Any reserve officer within the meaning of the Royal Warrant regulating the composition of the reserve of air-force officers, if an officer holding a commission as officer in the special reserve at all times, and if not holding such a commission when he is ordered on any duty or service for which, as such reserve officer, he is liable :
- (11) All officers belonging to an air force raised in India or a colony, when attached to or doing duty with any portion of the regular, reserve, or auxiliary air forces in the United Kingdom :
- (12) All officers of a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law.

*Persons
subject to Act.*
Persons sub-
ject to Act as
airmen.

176. The persons in this section mentioned are persons subject to this Act as airmen, and this Act shall apply accordingly to all the persons so specified; that is to say,

(1) All airmen of the regular air force :

(1A) All petty officers, non-commissioned officers, and men of the naval or military forces of the Crown who are attached or lent to the air force, subject, however, to the modifications contained in this Act, and with this exception, that if the members of the body of the air force with which any such petty officer or man of the naval forces is serving are themselves subject to the Naval Discipline Act, he shall remain subject to that Act.

(2) All non-commissioned officers and men of the permanent staff of * * the auxiliary air force who are not otherwise subject to this Act :

(3) All non-commissioned officers and men serving in a force raised by order of His Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular air force :

Provided that nothing in this Act shall affect the application to such non-commissioned officers and men of any Act passed by the legislature of a colony :

(4) All pensioners not otherwise subject to this Act who are employed in air-force service under the orders of an officer of the regular air force :

(5) All non-commissioned officers and men belonging to the air force reserve * * *—

(a) When called out for training and exercise; and

(b) * * * *

(c) When called out on permanent service; and

(d) When employed in air-force service under the orders of an officer of the regular air force :

(6) * * * *

(6A) All non-commissioned officers and men belonging to the auxiliary air force—

(a) When they are being trained or exercised either alone or with any portion of the regular air force or otherwise; and

(b) When attached to or otherwise acting as part of or with any regular air force; and

(c) When embodied; and

(d) When called out for actual air-force service, for purposes of defence in pursuance of any agreement.

*Persons
subject to Act.*

- (7) * * * *
(8) * * * *

- (8A) All non-commissioned officers and men belonging to a force raised in India or a colony when attached to or otherwise acting as part of or with any portion of the regular, reserve, or auxiliary air forces in the United Kingdom :
- (9) All persons who are employed by or are in the service of any part of His Majesty's air force when employed on active service, and who are not under the former provisions of this Act subject to this Act :
- (10) All persons not otherwise subject to this Act who are followers of or accompany His Majesty's air force, or any portion thereof, when employed on active service * * * :
- (11) All non-commissioned officers and men belonging to a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such time and subject to such adaptations, modifications, and exceptions as may be specified in such law.

177. Where any air force * * * is raised in India or in a colony, any law of India or the colony may extend to the officers, non-commissioned officers and men belonging to such force, whether within or without the limits of India or the colony; and any such law may apply, in relation to such force and to any officers, non-commissioned officers, and men thereof, all or any of the provisions of this Act, subject to such adaptations, modifications, and exceptions as may be specified in such law, and where so applied this Act shall have effect in relation to such force subject to such adaptations, modifications, and exceptions as aforesaid; and where any such force is serving with part of His Majesty's regular air force, then so far as the law of India or the colony has not provided for the government and discipline of such force, this Act and any other Act for the time being amending the same shall, subject to such exemptions and modifications as may be specified in the general orders of the general officer commanding the part of His Majesty's air force with which such force is serving, apply to the officers non-commissioned officers, and men of such force, in like manner as they apply to the officers, non-commissioned officers, and men of the regular air force.

This section shall not apply to any officer belonging to any such force when attached to or doing duty with, or to any non-commissioned officer or man belonging to any such force when attached to or otherwise acting as part of or with, any portion of the regular reserve, or auxiliary air force in the United Kingdom.

*Persons
subject to Act.*

Mutual rela-
tions of regu-
lar forces and
auxiliary
forces.

178. When officers, non-commissioned officers, and men belonging to the auxiliary air force, or any pensioners, are subject to * * * this Act, and when non-commissioned officers and men belonging to the air force reserve are subject to * * * this Act, otherwise than when called out on permanent service, such officers, non-commissioned officers, men and pensioners shall be subject to this Act in all respects as if they were part of the regular air force, and the provisions of this Act shall be construed as if such officers, non-commissioned officers, men and pensioners were included in the expression “regular air force”: Provided that nothing in this section contained shall affect the conditions of service of any officer, non-commissioned officer, or man belonging to such auxiliary or reserve force, or of any pensioner.

Application of
Naval Disci-
pline Act to
air force
serving on
commissioned
ships.

179. Officers and airmen of the air force during the time they are borne on the books of any of His Majesty's ships in commission (unless made subject to this Act as hereinafter provided) shall be subject to the Naval Discipline Act and to the laws for the government of the officers and seamen in His Majesty's Navy, and the rules for the discipline of His Majesty's Navy, for the time being, and shall be tried and punished for any offence in the same manner as officers and seamen in His Majesty's Navy:

Provided that—

- (a) this provision shall not prevent the application of this Act to any person dealing with or having any relations with any such officer or airman, or to any such officer or airman if found on shore as a deserter or absentee without leave;
- (b) if any such officer or airman is employed on land the senior naval officer present may, if it seems to him expedient, order that he shall during such employment be subject to this Act, and while such order is in force he shall be subject to this Act accordingly;
- (c) if any such officer or airman commits an offence for which he is not amenable to a naval court-martial but for which he can be punished under this Act, he may be tried and punished for such offence under this Act.

Modification
of Act with
respect to
sailors and
soldiers at-
tached to air
force.

179A.—(1) Where an officer, petty officer, or seaman of the naval forces when not subject to the Naval Discipline Act, or an officer, non-commissioned officer, or soldier of the military forces is attached, or lent to, or seconded for service with, the regular air force, this Act shall apply to him, subject to the following modifications:—

- (a) a general court-martial for the trial of any such officer, petty officer, non-commissioned officer, seaman, or soldier shall not be convened except—

- (i) in the case of an officer, petty officer, or seaman of the naval forces by the Admiralty, or by an

officer authorised by a warrant from the Admiralty in pursuance of this section ;

*Persons
subject to Act.*

(ii) in the case of an officer, non-commissioned officer, or soldier of the military forces by His Majesty, or by an officer authorised to convene a general court-martial under the Army Act (who shall have power to convene a general court-martial for the purposes of this section) ;

except that where the officer, petty officer, non-commissioned officer, seaman, or soldier is serving beyond the seas with a body of the regular Air Force, and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer so authorised to convene a general court-martial under this section, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial under this Act, may try such officer, petty officer, non-commission officer, seaman, or soldier ;

- (b) A district court-martial for the trial of any such petty officer, non-commissioned officer, seaman, or soldier may be convened by any officer having authority to convene a district court-martial for the trial of an airman of the regular air force.
- (c) Any power in relation to the convening of courts-martial, or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial, which under this Act His Majesty may exercise by any warrant or warrants, may, as respects any such officer, petty officer, or seaman of the naval forces, be exercised in His Majesty's name by a warrant or warrants from the Admiralty ; and any such warrant may be addressed to any officer to whom any warrant of His Majesty can be addressed.
- (d) Without prejudice to any power of confirmation, the findings and sentences of any general court-martial on any such officer, petty officer, non-commissioned officer, seaman, or soldier may be confirmed in the case of an officer, petty officer or seaman of the naval forces by the Admiralty, and in the case of an officer, non-commissioned officer or soldier of the military forces by His Majesty, or, in either case, by an officer authorised under this section to convene the same.
- (e) Anything required or authorised by this Act to be done by, to, or before a Secretary of State or the Air Council may as regards any such officer, petty officer, or seaman

*Persons
subject to Act.*

of the naval forces be done by, to, or before the Admiralty, and the provisions of this Act shall be construed, so far as respects any such officer, petty officer, or seaman, as if "the Admiralty" were substituted for "Secretary of State" and "Air Council" wherever those words occur.

(f) Anything required or authorised by this Act to be done by, to, or before the Air Council may, as regards any such officer, non-commissioned officer, or soldier of the military forces, be done by, to, or before the Army Council, and the provisions of this Act shall be construed, so far as respects any such officer, non-commissioned officer, or soldier, as if "Army Council" were substituted for "Air Council" wherever those words occur.

(g) If any such officer, petty officer, non-commissioned officer, seaman, or soldier commits an offence for which he is not amenable under this Act, but for which he can be punished under the Naval Discipline Act or, as the case may be, the Army Act, he may be tried and punished for such offence under that Act.

(2) In the application of this section to the Royal Marines, petty officer and seaman of the naval forces shall mean non-commissioned officer and man of the Royal Marines.

Modification
of Act with
respect to His
Majesty's
Indian forces.

180.—(1) In the application of this Act to His Majesty's air force when serving in India the following modification shall be made :—

A court-martial may take the same proceedings for the punishment of a person not subject to this Act, who in any part of India, commits any offence as a witness before a court-martial, or is guilty of a contempt of a court-martial, as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court in which such proceedings are taken shall have jurisdiction to punish such person accordingly.

(2) * * * *

(3) In this Act, so far as regards India, any reference to an indictable offence, or an offence punishable on indictment, shall be deemed to refer to an offence punishable with rigorous imprisonment.

Modification
of Act with
respect to
auxiliary
forces.

181.—(1) The provisions of this Act with respect to enlistment shall not apply to a person enlisted or enrolled in the auxiliary air force, except so far as such person enlists or enrolls

*Persons
subject to Act.*

himself, or attempts to enlist or enrol himself in the regular air force or in a force raised in India or a colony, and except so far as the said provisions may be applied by any other Act.

(2) The provisions of this Act shall apply to the permanent staff of the auxiliary air force who are not otherwise part of the regular air force, in like manner as if such permanent staff were part of the regular air force.

(3) The provisions of this Act with respect to billeting and impressment of carriages shall apply to the auxiliary air force when subject to this Act, in like manner as if they were part of the regular air force, subject to the following modification.

(4) An order issued and signed as a route or an order signed by the officer commanding the unit of the auxiliary air force shall be substituted for a route,—

- (a) In the case of any man of the auxiliary air force attending for his preliminary training; and
- (b) In the case of any officer, non-commissioned officer, or man of the auxiliary air force, assembled for training and exercise at the place in the United Kingdom appointed by His Majesty in that behalf; and
- (c) In the case of any officer, non-commissioned officer, or man of the auxiliary air force, embodied under an order of His Majesty, who has joined his corps or unit at the place appointed for his assembling; and
- (d) * * * *

and an order to billet such officer, non-commissioned officer, or man, purporting to be signed in manner required by this Act in the case of a route or by the officer commanding an unit of the auxiliary air force, shall be in evidence, until the contrary is proved, of the order being issued in accordance with this Act, and when delivered to an officer, non-commissioned officer, or man, of the auxiliary air force, shall be a sufficient authority to such officer, non-commissioned officer, or man, to demand billets, and when produced by an officer, non-commissioned officer, or man, to a constable shall be conclusive evidence to such constable of the authority of the officer, non-commissioned officer, or man, producing the same to demand billets in accordance with the order.

(5) The competence or liability of an officer of the auxiliary air force to be nominated or elected to, or to hold, the office of sheriff, mayor, alderman, or an office in a municipal corporation, shall not be affected by reason of the battalion or corps to which he belongs being assembled for annual training at the time of such nomination or election, or during the time of his tenure of office.

*Persons
subject to Act.*

(6) When a member of the auxiliary air force, being a non-commissioned officer or private, is subject to this Act, a dismissal may be awarded to him as a punishment, in the event of his committing any offence triable by court-martial or punishable by a commanding officer under this Act.

*Special provisions as to
warrant
officers.*

182. The provisions of this Act shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the following modifications :—

(1) He shall not be punished by his commanding officer
* * * nor sentenced by a district court-martial
to any punishment not in this section mentioned ; and

(2) He may be sentenced—

(a) by a district court-martial to such forfeitures, fines, and stoppages as are allowed by this Act, and, either in addition to or in substitution for any such punishment, to be dismissed from the service, or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any), or to be reduced to a lower grade, or if he was originally enlisted as a soldier, but not otherwise, to the ranks ; or

(b) by any court-martial having power to try him, other than a district court-martial, to any punishment which under this section a district court-martial has power to award, either in addition to or in substitution for any other punishment ;

(3) * * * *

(4) The president of a court-martial for the trial of a warrant officer shall in no case be under the rank of captain.

*Special provisions as to
non-com-
missioned
officer.*

183. In the application of this Act to a non-commissioned officer the following modifications shall apply :—

(1) The obligation on a commanding officer to deal summarily with an airman charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness :

(2) The Air Council, * * * and on active service the officer commanding-in-chief in the field (whether such officer is an officer of the air force Army or Navy) and any general or flag officer he or the Air Council may appoint, may reduce any non-commissioned officer to any lower grade or to the ranks :

- (3) A non-commissioned officer may, by the sentence of a court-martial, be ordered to forfeit seniority of rank or be reduced to any lower grade or to the ranks, either in addition to or without any other punishment, in respect of an offence :
- (4) A non-commissioned officer sentenced by court-martial to penal servitude, field punishment, imprisonment or detention shall be deemed to be reduced to the ranks :

Provided that—


- (a) An air-force schoolmaster shall not be liable to be reduced to the ranks (unless he has been transferred from the ranks, in which case he may be reduced to the rank which he held at the date of transfer), but may nevertheless be sentenced by a court-martial to penal servitude, imprisonment or detention or to a lower grade of pay, or to be dismissed, and if sentenced to penal servitude or imprisonment shall be deemed to be dismissed; but
- (b) The Air Council * * * may dismiss an air-force schoolmaster;
- (c) An airman being an acting non-commissioned officer by virtue of his employment either in a superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer, or, if he has no permanent grade above the ranks, to the ranks.

184. In the application of this Act to persons who do not belong to His Majesty's forces, the following modifications shall be made :—

- (1) Where an offence has been committed by any person subject to this Act who does not belong to His Majesty's forces, such persons may be tried by any description of court-martial * * * convened by an officer authorised to convene such description of court-martial, within the limits of whose command the offender may for the time being be, and may be tried, and on conviction dealt with and punished accordingly :
- (2) Any person subject to this Act who does not belong to His Majesty's forces shall, for the purposes of this Act relating to offences, be deemed to be under the command of the commanding officer of the corps or unit or portion of a corps or unit (if any) to which he is attached, and if he is not attached to any corps or unit or a portion of a corps or unit under the command of any officer who may for the time being be named as his commanding officer by the general

*Persons
subject to Act.*

*Special pro-
visions as to
application of
Act to persons
not belonging
to His Ma-
jesty's forces*

 *Persons
subject to Act.*

or other officer commanding the force with which such person may for the time being be, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said general or other officer commanding, but such person shall not be liable to be punished by a commanding officer * * * :

Provided that a general or other officer commanding shall not place a person under the command of an officer of rank inferior to the official rank of such person if there is present, at the place where such person is, any officer of higher rank under whose command he can be placed.

Relations
between air,
military and
naval forces
acting
together.
5 Geo. 5. c. 26.

184A.—(1) Where an officer or petty officer in the Navy is a member of a body of His Majesty's naval forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's air force as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were an air-force officer or non-commissioned officer as the case may be.

(1A) Where an officer or non-commissioned officer of the Army is a member of a body of His Majesty's military forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's air force as aforesaid, be treated and have all such powers as if he were an air-force officer or non-commissioned officer as the case may be.

(2) Where any officer or airman is a member of a body of His Majesty's air force acting with any body of His Majesty's naval or military forces under such conditions as may be prescribed by regulations made by the Air Council, and, as the case may be, the Admiralty or Army Council and such officer or airman is not borne on the books of any of His Majesty's ships in commission, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and petty officers of such naval body or the officers and non-commissioned officers of such military body (as the case may be) shall, in relation to him, be treated and have all such powers (other than powers of punishment) as if they were air-force officers or non-commissioned officers.

(3) The relative rank of naval and military and air-force officers, petty officers, and non-commissioned officers shall, for the purposes of this section, be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force.

Saving Provisions.

Saving Provisions.

185. All jurisdiction and powers of a Secretary of State under this Act with respect to air-force convicts or air-force prisoners, or to prisons other than air-force prisons, shall in Ireland be vested in the General Prisons Board, and shall be exercised by that Board in the manner and subject to the regulations in and under which the jurisdiction and powers of that board are exercised under the General Prisons (Ireland) Act, 1877, and the provisions of this Act with respect to the orders and regulations of the Secretary of State shall apply to the orders and regulations of such Board.

Special provisions as to prisoners and prisons in Ireland.

186. Nothing in this Act shall affect the application of the Naval Discipline Act or any Order in Council made thereunder to any of His Majesty's air forces when embarked on board any ship commissioned by His Majesty, and the auxiliary air force shall be deemed to be part of His Majesty's forces within the meaning of that Act.

Saving of Naval Discipline Act as to forces when on board His Majesty's ships.

Definitions.

Definitions.

187. This Act shall apply to the Channel Islands and the Isle of Man in like manner as if they were part of the United Kingdom, subject to the following modifications :—

Application of Act to Channel Islands and Isle of Man.

(1) The provisions of this Act relating to billeting and the impressment of carriages shall not extend to the Channel Islands and the Isle of Man :

(2) For the purposes of the provisions of this Act relating to the execution of sentences of penal servitude, imprisonment or detention, and to prisons and detention barracks, the Channel Islands and the Isle of Man shall be deemed to be colonies, and any sentence of penal servitude, imprisonment or detention, passed in any of those islands shall be deemed to have been passed in a colony :

(3) * * * *

(4) * * * *

188. Where a person subject to this Act is on board a ship, this Act shall apply until he arrives at the port of disembarkation in like manner as if he and the officers in command of him were on land at the place at which he embarked on board the

Application of Act to ships.

Definitions.

said ship, subject to this proviso, that, if he is tried and sentenced while so on board ship, any finding and sentence, so far as not confirmed and executed on board ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Interpretation of term "on active service."

189.—(1) In this Act, if not inconsistent with the context, the expression "on active service" as applied to a person subject to this Act means whenever he is attached to or forms part of a force which is engaged in operations against the enemy or is engaged in warlike operations in a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country.

(2) Where the governor of a colony in which any part of His Majesty's air force is serving, or if part of such force is serving out of His Majesty's dominions, the general officer commanding such part, declares at any time or times that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force in the colony or under his command, as the case may be, should be temporarily subject to this Act, as if it was on active service, then, on the publication in general orders of any such declaration, the force to which the declaration applies shall be deemed to be on active service for the period mentioned in the declaration, so that the period mentioned in any one declaration do not exceed three months from the date thereof.

(3) If at any time during the said period the governor or general officer for the time being is of opinion that the necessity continues he may from time to time renew such declaration for another period not exceeding three months, and such renewal shall be published and have effect as the original declaration, and if he is of opinion that the said necessity has ceased, he shall state such opinion, and on the publication in general orders of such statement, the force to which the declaration applies shall cease to be deemed to be on active service.

(4) Every such declaration, renewal of declaration, and statement by the governor of a colony shall be made by proclamation published in the official gazette of the colony, and it shall be the duty of every governor or general officer making a declaration or renewal of a declaration under this section, if he has the means of direct telegraphic communication with a Secretary of State, to obtain the previous consent of the Secretary of State to such declaration or renewal, and in any other case to report the same with the utmost practicable speed to the Secretary of State.

(5) The Secretary of State may, if he thinks fit, annul a declaration or renewal purporting to be made in pursuance of this section, without prejudice to anything done by virtue thereof before the date at which the annulment takes effect,

and until that date any such declaration or renewal shall be deemed to have been duly made in accordance with this section, and shall have full effect. *Definitions.*

190. In this Act, if not inconsistent with the context, the following expressions have the meanings hereinafter respectively assigned to them; that is to say, *Interpretation of terms.*

(1) The expression "Secretary of State" means one of His Majesty's Principal Secretaries of State :

(2) The expression "Lord Lieutenant of Ireland" includes the lords justices or other chief governor or governors of Ireland :

(3) * * * *

(4) The expression "officer" means an officer commissioned or in pay as an officer in His Majesty's air force, or any arm, branch, or part thereof; it also includes a person who, by virtue of his commission, is appointed to any department, or corps of His Majesty's air force, of any arm, branch, or part thereof; it also includes a person, whether retired or not, who, by virtue of his commission or otherwise, is legally entitled to the style and rank of an officer of His Majesty's air force, or of any arm, branch, or part thereof :

Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned :

(5) The expression "non-commissioned officer" includes an acting non-commissioned officer, and includes an air-force schoolmaster when not a warrant officer, but save as is in this Act mentioned does not include a warrant officer not holding an honorary commission :

(6) The expression "airman" does not include an officer as defined by this Act, but, with the modifications in this Act contained in relation to warrant officers and non-commissioned officers, does include a warrant officer not having an honorary commission and a non-commissioned officer, and every person subject to this Act during the time that he is so subject :

(7) The expression "superior officer," when used in relation to an airman, includes a warrant officer not holding an honorary commission, and also includes a non-commissioned officer as above defined :

(8) The expressions "regular air force" and "His Majesty's regular air force" mean officers and airmen who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term air-force service to His Majesty in any part of the world,

Definitions.

including airmen of the air-force reserve when called out on permanent service * * * :

- (9) * * * *
- (12) * * * *
- (13) * * * *
- (14) * * * *
- (15) The expression "corps" * * * means any such * * * body of the air force * * * as may be from time to time declared by Royal Warrant to be a corps for the purpose of this Act * * * :
- (16) * * * * and the expression "unit" means any such unit of the air force as may be from time to time declared by orders or regulations as to the government of the air force to be a unit for any of the purposes of this Act :
- (17) The expression "service" when qualifying institutions, necessaries, books, band, mess, money, goods, and other property, means belonging to or connected with the air service or any unit or part of a unit thereof.
- (18) The expression " * * * * decoration " means any medal, clasp, good-conduct badge, or decoration :
- (19) The expression "air-force service reward" means any gratuity or annuity for long service or good conduct : it also includes any good-conduct pay or pension and any other air force pecuniary reward :
- (20) The expression "enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates :
- (21) The expression "India" means British India, together with any territories of any native prince or chief under the suzerainty of His Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India ; and the expression "British India" means all territories and places within His Majesty's dominions which are for the time being governed by His Majesty through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India :
- (22) * * * *
- (23) The expression "colony" means any part of His Majesty's dominions exclusive of the British Islands and of British India, and includes Cyprus, and any British protectorate and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony :

- (24) The expression "foreign country" means any place which is not situate in the United Kingdom, a colony, or India, as above defined, and is not on the high seas : *Definitions.*
- (25) The expression "beyond the seas" means out of the United Kingdom, the Channel Islands, and Isle of Man; and the expression "station beyond the seas" includes any place where any of His Majesty's forces are serving out of the United Kingdom, the Channel Islands, and Isle of Man :
- (26) The expression "governor-general" in its application to India means the Governor-General of India in Council :
- (27) The expression "governor" as respects any presidency in India means the Governor in Council of the presidency, and in its application to a colony means the Governor-General, Governor, High Commissioner, or Commissioner, and includes the lieutenant-governor or other officer administering the government of the colony :
- (28) The expressions "oath" and "swear," and other expressions relating thereto, include affirmation or declaration, affirm or declare, and expressions relating thereto, in cases where an affirmation or declaration is by law allowed instead of an oath :
- (29) The expression "superior court," in the United Kingdom means His Majesty's High Court of Justice in England, the Court of Session in Scotland, and His Majesty's High Court of Justice at Dublin :
- (30) The expression "supreme court" means, as regards India, any high court or any chief court; and the expression "court of superior jurisdiction," as regards a colony, means a court exercising in that colony the like authority as the High Court of Justice in England :
- (31) The expression "civil court" means, with respect to any crime or offence, a court of ordinary criminal jurisdiction, and includes a court of summary jurisdiction :
- (32) The expression "prescribed" means prescribed by any rules of procedure made in pursuance of this Act :
- (33) The expression "misdemeanor" as far as regards Scotland, means a crime or offence, and so far as regards India, means a crime punishable by fine and rigorous or simple imprisonment at the discretion of the court :

Definitions.

"Summary
Jurisdiction
Acts."
42 & 43 Vict.
c. 49.
27 & 28 Vict.
c. 53.
14 & 15 Vict.
c. 93.

- (34) The expression "Summary Jurisdiction Acts"—

(a) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879;

(b) As regards Scotland, means the Summary Procedure Act, 1864, and any Acts amending the same; and

(c) As regards Ireland, means within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same :

"Court of
summary
jurisdiction."

- (35) The expression "court of summary jurisdiction"—

(a) As regards England has the same meaning as in the Summary Jurisdiction Act, 1879; and

(b) As regards Ireland means any justice or justices of the peace, police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

(c) As regards Scotland, means the sheriff or sheriff substitute, or any two justices of the peace sitting in open court; or any magistrate or magistrates to whom jurisdiction is given by the Summary Procedure (Scotland) Act, 1864; and

(d) As regards India, a colony, the Channel Islands and Isle of Man, means the court, justices or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable :

27 & 28 Vict.
c. 53.

- (36) The expression "court of law" includes a court of summary jurisdiction :

- (37) The expression "county court judge" includes—

(a) In the case of Scotland, the sheriff or sheriff substitute; and

(b) In the case of Ireland, the judge of the Civil Bill Court :

- (38) The expression "constable" includes a high constable and a commissioner, inspector or other officer of police :

- (39) The expression "police authority" means the commissioner, commissioners, justices, watch committee or other authority having the control of the police force :

- (40) The expression "horse" includes a mule, and the provisions of this Act shall apply to any beast of whatever description, used for burden or draught or

for carrying persons in like manner as if such beast were included in the expression "horse." *Definitions.*

- (41) The expression "soldier" has the same meaning as in the Army Act.
- (42) The expression "aircraft" includes aeroplanes, balloons, kite balloons, airships, or other machines for flying.
- (43) The expression "aircraft material" includes any engines, fittings, guns, gear, instruments, or apparatus for use in connection with aircraft and any components and accessories of aircraft, and petrol and any other substance used for providing motive power for aircraft, and lubricating oil.
- (44) The expression "air signal" means any signal intended for the guidance of aircraft whether given by flag, ground signal, light, wind-indicator, or in any other manner whatsoever.
- (45) The expressions "the forces" and "His Majesty's forces" include His Majesty's naval, military, and air forces.
- (46) The expression "field officer" means any officer above the rank of captain and below the rank of general officer.

SCHEDULES.

Section 96.

FIRST SCHEDULE.

FORM OF OATH TO BE TAKEN BY A MASTER WHOSE APPRENTICE
HAS ABSCONDED, AND OF JUSTICE'S CERTIFICATE ANNEXED.

I A.B., of do make oath, that I am by trade a
and that was bound to serve as an apprentice to me
in the said trade, by indenture dated the day of for
the term of years; and that the said did on or
about the day of abscond and quit my service
without my consent; and that to the best of my knowledge and belief
the said is aged about years. Witness my hand
at the day of one thousand nine
hundred and .

(Signed) A.B.

I hereby certify that the fore-
going affidavit was sworn
before me at } (Signed) C.D.,
this day of } Justice of the Peace
one thousand nine hundred } for
and }

FORM OF OATH TO BE TAKEN BY A MASTER WHOSE INDENTURED
LABOURER IN INDIA OR A COLONY HAS ABSCONDED, AND OF
JUSTICE'S CERTIFICATE ANNEXED.

I of do make oath, that was
bound to me to serve as an indentured labourer by indenture dated the
 day of for the term of years, and
that the said did on or about the day of
abscond and quit my service without my consent. Witness my hand
at the day of one thousand nine
hundred and .

(Signed) A.B.

I hereby certify, &c. [*as for apprentice*].

Sections 106,
108.

SECOND SCHEDULE.

BILLETING.

PART I.

ACCOMMODATION TO BE FURNISHED BY KEEPER OF
VICTUALLING HOUSE.

A keeper of a victualling house on whom any officer, airman, or
horse^{is} billeted—

- (1) Shall furnish the officer and airman with lodging and attendance;
and

- (2) Shall, if required by the airman, furnish him for every day of the march, and for not more than two days, if the airman is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination with breakfast, hot dinner, and supper on each day, such meals to consist of such quantities of food and drink as may from time to time be fixed by His Majesty's Regulations, not exceeding—

(a) For breakfast, six ounces of bread, one pint of tea with milk and sugar, four ounces of bacon;

(b) For hot dinner, one pound of meat previous to being dressed, eight ounces of bread, eight ounces of potatoes or other vegetables, one pint of beer or mineral water of equal value;

(c) For supper, six ounces of bread, one pint of tea with milk and sugar, two ounces of cheese; and

- (3) When an airman is not so entitled to be furnished with "a meal," shall furnish the airman with candles, vinegar, and salt, and allow him the use of fire, and the necessary utensils for dressing and eating his meat; and
- (4) Shall furnish stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw on every day for each horse.

For the purposes of this part of this Schedule the expression "furnished with lodging" shall include the provision of a separate bed for each officer and airman.

PART II.

REGULATIONS AS TO BILLETS.

(1) When the troops are on the march the billets given shall, except in case of necessity or of an order of a justice of the peace, be upon victualling houses in or within one mile from the place mentioned in the route.

(2) Care shall always be taken that the billets be made out to the less distant victualling houses in which suitable accommodation can be found before billets are made out for the more distant victualling houses.

(3) Except in case of necessity, where horses are billeted, each man and his horse shall be billeted on the same victualling house.

(4) Except in case of necessity, one airman at least shall be billeted where there are one or two horses, and two airmen at least where there are four horses, and so in proportion for a greater number.

(5) Except in case of necessity, an airman and his horse shall not be billeted at a greater distance from each other than one hundred yards.

(6) When any airmen with their horses are billeted upon the keeper of a victualling house who has no stables, on the written requisition of the commanding officer present the constable shall billet the airmen and their horses, or the horses only, on the keeper of some other victualling house who has stables, and a court of summary jurisdiction upon complaint by the keeper of the last-mentioned victualling house may order

a proper allowance to be paid to him by the keeper of the victualling house relieved.

(7) An officer demanding billets may allot the billets among the airmen under his command and their horses as he thinks most expedient for the public service, and may from time to time vary such allotment.

(8) The commanding officer may, where it is practicable, require that not less than two men shall be billeted in one house.

Section 113.

THIRD SCHEDULE.

IMPRESSMENT OF CARRIAGES.

TABLE OF RATES OF PAYMENT FOR CARRIAGES AND ANIMALS.

Carriages and Animals.	Rate per mile.
<i>In Great Britain.</i>	
A waggon with four or more horses, or a wain with six oxen, or four oxen, and two horses.	One shilling.
A waggon with narrow wheels, or a cart with four horses, carrying not less than fifteen hundredweight.	Ninepence.
Any other cart or carriage, with less than four horses and not carrying fifteen hundredweight.	Sixpence.
<i>In Ireland.</i>	
For every hundredweight loaded on any wheeled vehicle.	One halfpenny.

The mileage when reckoned for the purposes of payment shall include the distance from home to the place of starting, and the distance home from the place of discharge.

REGULATIONS AS TO CARRIAGES AND ANIMALS.

(1) Where the whole distance for which a carriage is furnished is under one mile the payment shall be for a full mile.

(2) In Ireland, the minimum sum payable for a car shall be three-pence, and for a dray, sixpence per mile.

(3) In Great Britain when the day's march exceeds fifteen miles, the justice granting his warrant may fix a further reasonable compensation for every mile travelled not exceeding, in respect of each mile, the rate of hire authorised to be charged by this Act; when any such additional compensation is granted, the justice shall insert in his own hand in the warrant the amount thereof.

(4) In Ireland the payment shall be at the same rate for each hundredweight in excess of the amount which the carriage is liable under this schedule to carry.

(5) A carriage shall not be required to travel more than twenty-five miles.

(6) A carriage shall not, except in case of pressing emergency, be required to travel more than one day's march prescribed in the route.

(7) In Great Britain a carriage shall not be required to carry more than thirty hundredweight.

(8) In Ireland a carriage shall not be required to carry, if a car, more than six hundredweight, and if a dray more than twelve hundredweight.

(9) The load for each carriage shall, if required, at the expense of the owner of the carriage, and if the same can be done within a reasonable time without hindrance to His Majesty's service, be weighed before it is placed in the carriage.

FOURTH SCHEDULE.

Section 154.

FORM OF DESCRIPTIVE RETURN.

DESCRIPTIVE RETURN of who* at
on the day of , and was committed to
confinement at on the day of
as a deserter [or absentee without leave] from the * *
* *

* After the word "who," to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age	-	-	-	-	-	-	
Height	-	-	-	-	-	-	Feet. Inches.
Complexion	-	-	-	-	-	-	
Hair	-	-	-	-	-	-	
Eyes	-	-	-	-	-	-	
Marks	-	-	-	-	-	-	
In uniform or plain clothes	-	-	-	-	-	-	
Probable date and place of attestation	-	-	-	-	-	-	
Probable date of desertion or beginning of absence, and from what place.	-	-	-	-	-	-	

Name, occupation, and address of the person by whom or through whose means the deserter [or absentee without leave] was apprehended and secured.†

Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds. The fullest possible details to be given.

† It is important for the public service, and for the interest of the deserter or absentee without leave, that this part of the return should be accurately filled up, and the details should be inserted by the justice in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he†

the before-mentioned unit, and I recommended§
for a reward of s.

Signature } of com-
Residence } mitting
Post Town. } magistrate.

Signature of prisoner.
Signature of informant.

Or where the prisoner confessed, and evidence of the truth or falsehood of such confession is not then forthcoming :

I hereby certify that the above named prisoner confessed to the circumstances above stated, but that evidence of the truth or falsehood of such confession is not forthcoming, and that the case was adjourned until the day of for the purpose of obtaining such evidence from a Secretary of State.

Signature.
Residence.
Post Town.

† Insert *is* or *is not a deserter or absentee without leave*, from or belongs or does not belong to, as the case may be.

§ The justice will insert the name of the person to whom the reward is due, and the amount [5s., 10s., 15s., or 20s.,] which, in his opinion, should be granted in this particular case.

SIXTH SCHEDULE.

PROVISIONS AS TO DETERMINING AMOUNT TO BE PAID FOR ARTICLES REQUISITIONED.

1. Subject to the provisions of this schedule an application to a county court judge for a certificate shall be made in manner provided by rules of court, and shall be heard by the judge, without a jury, and his decision shall not be subject to appeal.

2. Subject to the provisions of this schedule, and to rules of court, the judge shall on such application act in accordance with the law regulating, and shall have the powers attaching to, the exercise of his ordinary jurisdiction.

3. The amount fixed by the certificate shall be such amount as appears to the county court judge to be the fair market value of the article requisitioned on the day on which it was required to be furnished as between a willing buyer and a willing seller, and where the owner of a carriage or horse has been required to deliver it at a distance from his premises shall include such sum as the judge may consider reasonable to cover the cost of such delivery.

4. No court fees shall be payable on the application, but the judge may, if he thinks fit, order either party to pay such sum as he may consider proper by way of costs to the other party, which sum shall be added to or deducted from the amount fixed by the county court judge as the value of the article requisitioned, and the amount to be included in the certificate shall be adjusted accordingly.

5. If the amount already paid by the Air Council exceeds the amount specified in the certificate, the county court judge shall certify the amount of the excess and shall order the amount so certified to be paid to the Air Council, which order shall be enforceable in like manner as a judgment of a county court.

AIR FORCE ACT,

“AN ACT to provide for the DISCIPLINE and
REGULATION of the AIR FORCE.”

Being the Army Act modified in accordance with the
provisions of the Air Force (Constitution) Bill.

N.B.—Additions and substitutions are indicated by
underlinings, omissions by asterisks.

Presented to Parliament by Command of His Majesty.



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